

SECTION 9 – CROWN LAND AT CURRARONG, CULBURRA EXPANSION AREA AND LAKE WOLLUMBOOLA CATCHMENT, ZONING OF LAND WITHIN THE VICINITY OF LAKE WOLLUMBOOLA AND BURTON ST SHOPS VICENTIA

Issue 9.1: Crown Land at Currarong

Lot 2 DP 1145680 Currarong Road, Currarong was originally exhibited in draft LEP 2009 with an R1 General Residential zoning. A number of objections were received in relation to the R1 zoning and as a result, Council resolved that:

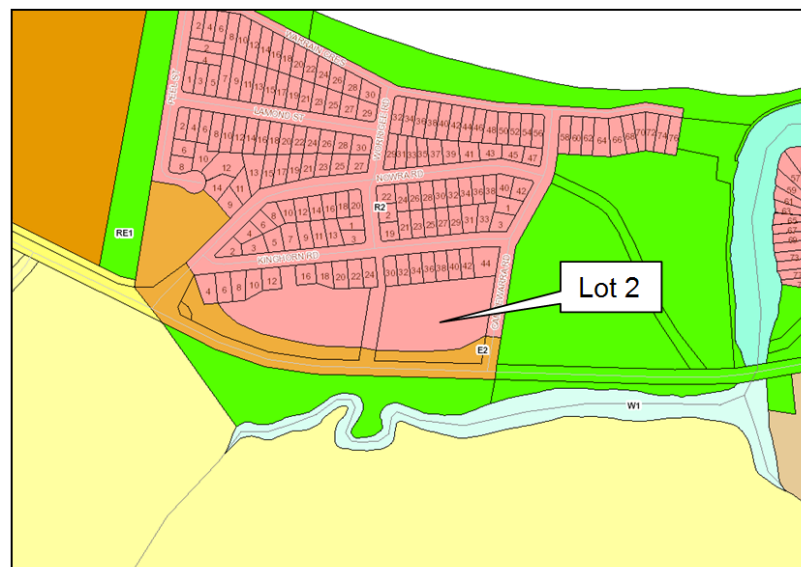
- a) *The R1 zones in Currarong be transferred to E2 and the Lot sizes be adjusted accordingly;*
- b) *Comment be sought on this from the Crown Lands Division.*

Council discussed this matter with the Crown Lands Division and the Department of Planning and Infrastructure. Crown Lands Division advised that they did not agree to the E2 zoning of the site and requested it be zoned as per the Currarong Crown Lands Assessment 1999. As a result, the land was re-exhibited with a zone of part E2 Environmental Conservation and part R2 Low Density Residential, as indicated on the map below, consistent with the mapping areas from the Crown Lands Assessment.

Number of Submissions- Crown Land at Currarong

Type	Number
Individual	18
Petitions	0
Local, State and Federal Agencies	2
Rezoning requests	0
CCBs and other community groups	3
Internal	0
Total	23

Key Issues- Crown Land at Currarong



Extract of draft SLEP 2013 Zoning Map

During the exhibition period, twenty-three (23) submissions were received regarding the zoning of the site. Twenty-one (21) strongly objected to any residential zone and urged Council to zone the entire site E2 for the following reasons:

- To protect the habitat corridor for wildlife and threatened species;
- To maintain the visual amenity of the town; and
- Due to the lack of demand for new housing in the village as a result of a declining permanent residential population.

One of these submissions recommended that Council re-exhibit draft SLEP 2013 with this area changed from R2 to E2.

A submission from Office of Environment and Heritage supported an E2 zoning over the entire site, however, stated that since Crown Lands did not concur with this zoning, they consider the zoning of part R2 and part E2 to be acceptable.

The submission from Crown Lands Division supported the proposed R2 and E2 zoning as exhibited.

Comment

There is strong community objection to the proposed zoning of the site for residential development, with residents stating there is no demand for new housing and the existing infrastructure is insufficient for further development. There appears to be a misconception that Council is rezoning the land to residential. The land is currently zoned Residential 2(c) under SLEP 1985. The change to an E2 buffer along the entrance road into Currarong and R2 Low Density Residential zone for the remainder of the site represents a significant reduction in the development potential of the area, and maintains the buffer to the entrance road. It is also consistent with the mapping areas in the 1999 Crown Lands Assessment.

Council supported the requests to rezone the land E2 after the initial exhibition; however Crown Lands Division did not support this change. Although the option exists to pursue this matter once again with Crown Lands, it is unlikely that they will support any further change to the zoning, based on determination of the Crown Lands Assessment 1999. Council could, however, resolve to give the overall site an E2 in its final plan, and let the Department of Planning and Infrastructure consider the Crown view in the finalisation of the plan.

Options 9.1

Option 1

Retain the zoning of Lot 2 DP 1145680, Currarong Road, Currarong, as exhibited in draft LEP 2013.

Option 2

Change the zoning of the R2 portion of Lot 2 DP 1145680, Currarong Road, Currarong, as exhibited to E2 Environmental Conservation.

Recommendation 9.1:

Adopt either Option 1 or 2 above.

Issue 9.2: Culburra Beach Expansion Area and Lake Wollumboola Catchment

Consistent with the recommendations of three independent Government Inquiries, the Culburra Beach Expansion Area, as shown on the map below, was exhibited in draft SLEP 2009 and 2013 with a reduction in residential zoned land and an increase in environmental zoned land, particularly on the land south of Culburra Road adjacent to Lake Wollumboola. After the initial exhibition in 2011, Council resolved to change approximately 90ha of E2 zoned land to RU2, to permit a proposed golf course. This decision was not supported by the State Government, who directed Council to retain the zones as exhibited, as part of the conditional S65 Certificate. As a result, Council resolved on 26 February 2013 that in regard to Lots 5 & 6 DP 1065111, Low Bow Point, Culburra Beach, to:

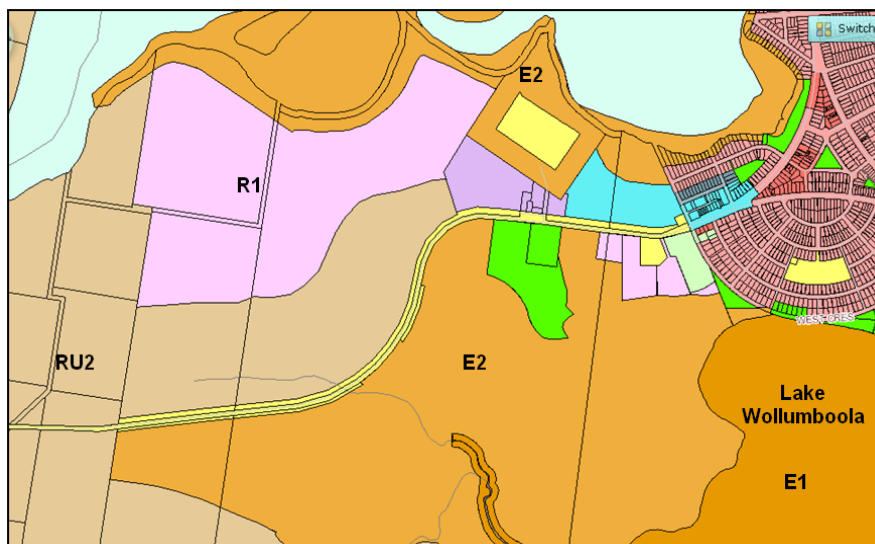
- a) *Progress to exhibition with the E2 zoning as required in the S65 certificate; and*
- b) *State Council's intention to pursue a planning proposal to include an additional permitted use clause in the LEP to ensure the ongoing permissibility of the golf course, should the golf course be approved.*

Number of Submissions- Culburra Beach Expansion Area and Lake Wollumboola Catchment

Type	Number
Individual	68
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	10
Internal	0
Total	79

Key Issues- Culburra Beach Expansion Area and Lake Wollumboola Catchment

Seventy-nine (79) submissions were received in regard to the zoning of the Culburra Beach Expansion Area and Lake Wollumboola catchment, and the proposal for development of an 18-hole golf course at Long Bow Point, south of Culburra Road.



Extract of draft SLEP 2013 Zoning Map

Of the seventy-nine (79) submissions, eighteen (18) objected to the reduction in residential zoned land with many of these in support of the golf course in its proposed location. This included the submission from the Culburra Beach Progress Association, which stated that the Culburra community is overwhelmingly in favour of the proposed golf course, and that the town needs the additional services and economic boost often associated with urban expansion.

Of the submissions, fifty-four (54) supported the zonings as exhibited and the E2 Environmental zone for the majority of the Lake Wollumboola catchment, including submissions from the Swan Lake Environmental Protection Association, the Nature Conservation Council of NSW, Lake Wollumboola Protection Association, the Australian Coastal Society, Australian Wetland Network, Jervis Bay Regional Alliance, Hyams Beach Villagers Association, and the SLEP Review Group. Ten (10) submissions requested the E2 zone be extended to cover the Downs and Wattle Corner Creek catchment, and thirty-three (33) requested the E2 zone be extended to cover the catchment area north of Culburra Road to further protect the lake from environmental damage, and to preserve the high conservation value and sensitive ecosystems of the area. It was suggested by LWPA that Council clarify with the DP&I, OEH, and the Office of Water the exact boundary between the lake catchment and the Crookhaven River catchment to its north, as the basis for determining the zoning of the catchment.

OEH also supports the E2 zone applied to the catchment of Lake Wollumboola.

Thirty-six (36) submissions objected to the proposed golf course at Long Bow Point, or any clause that would allow it, with nineteen (19) of these suggesting an alternative site for the golf course on the cleared area overlooking the Crookhaven River, adjacent to the West Culburra Expansion Area.

The submission received from the landowner objects to the “down zoning” of the land at Low Bow Point and expressed concern in relation to the impact of the proposed zones on the current application for a golf course. The submission notes that discussions have been held with the Minister for Planning and Infrastructure in relation to a broad and long-term solution for their landholdings.

The landowner requests that Council not change the zoning of the land at this time given the inadequately supported conclusions from previous investigations into the environmental status. Although the landowner's submission did not specifically examine other parcels of Halloran land within Shoalhaven, recent discussions held with Council indicate the landowner requests deferral of all landholdings from LEP 2013 until a comprehensive master plan for all the Halloran lands in the area is agreed upon.

Comment

Eighteen (18) submissions received in relation to the Culburra Expansion Area objected to the reduction of residential zoned land, and stated that this reduction would negatively impact the growth of the town, its economy, and the provision of services for residents. The issue of the development of the remaining Expansion Area, however, is currently being assessed by the State Government as a Major Project Application for a Mixed Use Subdivision, and was recently exhibited 26 April to 7 June 2013.

During the exhibition period, forty-nine (49) submissions were received in regard to the proposed golf course at Long Bow Point. Thirteen (13) supported the golf course proposal as a positive economic boost for the town, thirty-six (36) objected to the proposed development at Long Bow Point. The Development Application for the proposed golf course was submitted in 2011, and will be assessed under the current LEP 1985, or via a savings clause once the SLEP 2013 commences. Should a golf course be approved on this site, a valid consent ensures that the development can be still be undertaken regardless of the use becoming prohibited on the site by virtue of draft SLEP 2013. Council also resolved to consider a future Planning Proposal should the golf course ultimately be approved.

The majority of the submissions (77%) were supportive of the E2 zones to reflect the environmental values of the land, however a number of these suggested the E2 zone be extended to cover the Lake Wollumboola catchment area north of Culburra Road, and also the Downs and Wattle Corner Creek catchment to the west of Long Bow Point. It may be appropriate to consider rezoning the Lake Wollumboola catchment comprising part Lot 7 DP 1065111, part Lot 6 DP 1065111, and part Lot 8 DP 1065111, from RU2 to E2, however given the ongoing Major Project Application process for the expansion area, it may be prudent to wait until this process is completed then make the zone changes based on the outcome.

The landowner expressed concern over the E2 zoning of this area and has requested a deferment of the zoning of this land. Given the planning history of the subject area and the draft LEP's conditional S65 Certificate requiring an E2 zoning, deferring the zoning of the land is an option, but a future Planning Proposal is also an option to pursue zoning changes in this location.

Options 9.2

Option 1

- a) Receive the submissions regarding Culburra Beach Expansion Area and Lake Wollumboola for information; and
- b) Retain the zones in the Culburra Expansion Area and Lake Wollumboola catchment as exhibited in draft LEP 2013.

Option 2

- a) Receive the submissions regarding Culburra Beach Expansion Area and Lake Wollumboola for information;
- b) Retain the zones in the Lake Wollumboola catchment as exhibited in draft SLEP 2013;
- c) Council waits to clarify the exact boundaries of the Lake Wollumboola catchment and consider the most appropriate zones for the remainder of the Lake Wollumboola catchment based on the outcomes of the current Major Project Application; and
- d) Council advise the landowner that a future Planning Proposal may address zone changes should environmental studies support such changes.

Option 3

- a) Receive the submissions regarding Culburra Beach Expansion Area and Lake Wollumboola for information; and
- b) Defer the zoning of all Halloran landholdings within Shoalhaven until a master plan or overall approach for Halloran land has been prepared and considered.

Recommendation 9.2

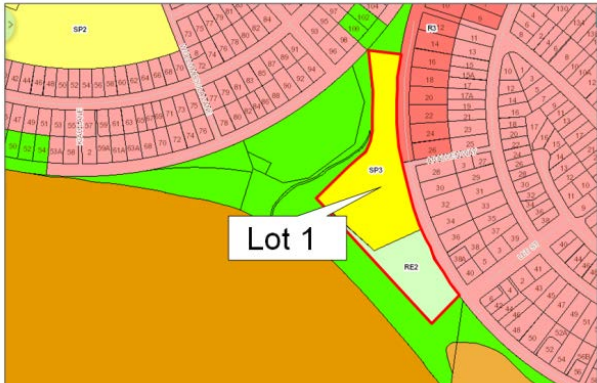
Adopt either Option 1, 2 or 3 above.

Issue 9.3: Zoning of Land in the Vicinity of Lake Wollumboola

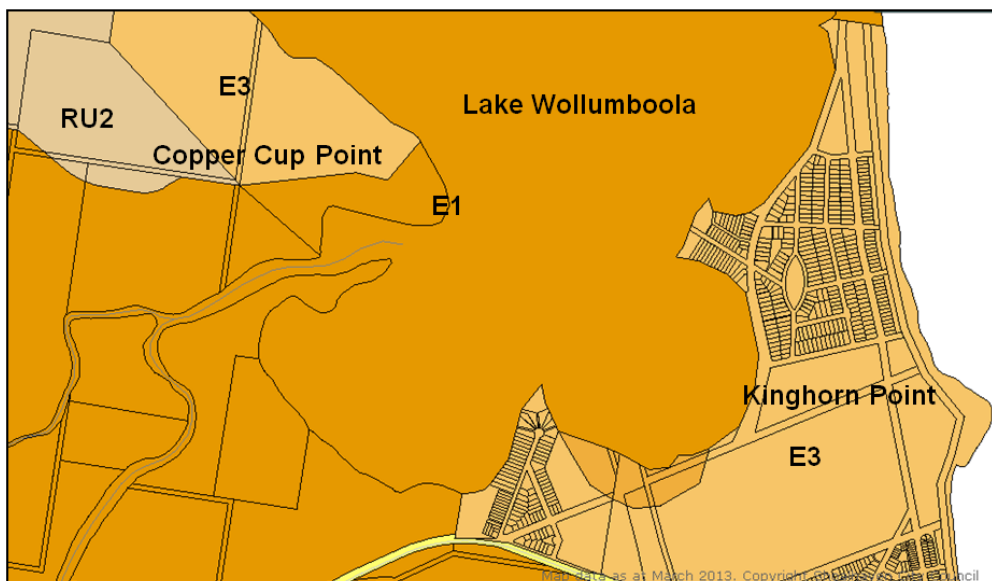
During the exhibition period, five (5) submissions recommended the rezoning of individual parcels of land in the vicinity of the Lake Wollumboola catchment. These are outlined in the table below.

Key Issues – Zoning of Land in the vicinity of Lake Wollumboola

Table 9.3 – Summary of Submissions Issues, Comments and Recommendations

Key Issue	Staff Comment & Recommendation
<p>Three submissions, including one from LWPA, requested the rezoning of Lot 1 DP 614607 East Crescent, Culburra from part RE2 and part SP3 to E2, to better reflect its high conservation values.</p> 	<p>This land is in the process of being dedicated to Council. It may be appropriate to investigate rezoning the land to E2 once this dedication is complete.</p> <p><u>Recommendation</u> Rezone Lot 1 DP 617607 once the land is in Council's ownership.</p>

<p>One individual submission requested rezoning of land known as “Copper Cup Point” (see map below) from E3 to E2, and the RU1 (assumed RU2) zone to E3.</p>	<p>The exhibited zones of the subject land are consistent with the “best fit” transfer and, as such, it is not considered necessary to investigate rezoning of the land at this time. However, as it does form part of the Halloran landholdings, Council could consider deferment of this land until an overall master plan or overall approach has been considered.</p> <p><u>Recommendation</u> Retain the zones of “Copper Cup Point” as exhibited.</p>
<p>Three individual submissions requested rezoning of “Kinghorn Point” (see map below). Two requested the area be rezoned to E2; and one requested the area be rezoned to E1.</p>	<p>The exhibited zones of the subject land are consistent with the “best fit” transfer and, as such, it is not considered necessary to investigate rezoning of the land at this time. However, as it does form part of the Halloran landholdings, Council could consider deferment of this land until an overall master plan or overall approach has been considered.</p> <p><u>Recommendation</u> Retain the zones of “Kinghorn Point” as exhibited.</p>



Extract of draft SLEP 2013 Zoning Map

Options 9.3

Option 1

- a) Receive the submissions outlined in Table 9.3 for information;
- b) Rezone Lot 1 DP 614607, East Crescent, Culburra Beach once the land is in Council's ownership; and
- c) Retain the exhibited zones for Copper Cup Point and Kinghorn Point

Option 2

- a) Receive the submissions outlined in Table 9.3 for information;
- b) Rezone Lot 1 DP 614607, East Crescent, Culburra Beach once the land is in Council's ownership; and
- c) Defer the zoning of Copper Cup Point and Kinghorn Point until a master plan or overall approach for Halloran land has been prepared and considered.

Recommendation 9.3

Adopt either Option 1 or 2 above.

Issue 9.4: Burton Street Shops, Vincentia

Following the 2011 exhibition, Council resolved the following in relation to the Burton Street Shops, Vincentia:

- a) *Revise the proposed zone of the shopping centre to B2 Local Centre, including the privately owned car park;*
- b) *Surrounding dwellings be given an R1 General Residential zone consistent with the 'best fit' transfer.*
- c) *Following a more detailed planning exercise related to the future use of the Vincentia shopping centre, consider revisiting the zones as a future amendment.*

Number of Submissions- Burton Street Shops, Vincentia

Type	Number
Individual	4
Petitions	0
Local, State and Federal Agencies	0
CCBs and other community groups	1
Internal	0
Total	5

Key Issues - Burton Street Shops, Vincentia



Extract of draft SLEP 2013 Zoning Map

During the exhibition period, five (5) submissions were received in this regard, including one from the Vincentia Ratepayers and Residents Association. All submissions were supportive of the zoning changes to reflect a best fit transfer from existing zones. However the major land owner in the shopping centre requested that the surrounding residential land holdings in their ownership also be zoned B2 as these lots are contiguous with the shopping centre and the car park. Two (2) submissions supported the deletion of the clause restricting the Vincentia shops competing with Woolworths.

Three (3) objections were received in relation to the 11m maximum building height for the Burton Street Shops. The submissions requested an 8.5m maximum building height for the area so as to not pre-empt future planning options and to be consistent with the existing use of the site.

Comment

The submissions were largely supportive of the zoning changes to reflect a 'best fit' transfer from the existing LEP 1985 zones; and draft LEP 2013 should reflect this. The land owner requested that the adjoining residential land be zoned B2, however this should be addressed through a more detailed strategic planning exercise for the site consistent with the previous Council resolution. Council also resolved to include a DCP provision to maintain commercial/ retail use on the ground floor.

Option 9.4

Option 1

Receive for information and adopt the zones for the Burton Street shops as exhibited in draft LEP 2013.

Option 2

Rezone the residential land adjoining the Burton Street shops B2 in accordance with the request of the landowner.

Recommendation 9.4:

- a) **Receive for information and adopt the zones for the Burton Street shops as exhibited in draft LEP 2013; and**
- b) **Following a more detailed planning exercise related to the future use of the Vincentia shopping centre, consider revisiting the zones and building heights as a future LEP amendment via a Planning Proposal.**

SECTION 10 – REMAINING AREA SPECIFIC ISSUES – NORTHERN AREA

Issue 10.1 Kangaroo Valley

Thirty eight (38) submissions were received in regard to Kangaroo Valley, and are summarised in Table 10.1 below. This excludes submissions that have been addressed in other sections of the report including those related to: DCP66 heritage precincts, rezoning requests, environmental overlays, land use table and height of buildings.

Number of Submissions- Kangaroo Valley

Type	Number
Individual	35
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	2
Internal	0
Total	38

Key Issues- Kangaroo Valley

Table 10.1- Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
The submissions received from the two community groups (Kangaroo Valley Tourist Association and Kangaroo Valley Community Association Incorporated) and fourteen (14) of the individual submissions raised concern that the Rural 1(g) (Flood Liable) zone in SLEP 1985 is zoned RU1 in draft SLEP 2013. The main concern is the number and type of inappropriate land	<p>There is unfortunately no equivalent rural flood zone in the Standard LEP Instrument. Therefore the Rural 1(g) land across the City has been transferred to another rural zone (in the case of Kangaroo Valley it is the RU1 zone). Additionally, DP&I indicate the inclusion a flood overlay and associated clause in the draft LEP to control development in flood prone areas. Further controls for such land are also included in DCPs.</p> <p>The submission from the Sydney Catchment Authority did not raise concern with the loss of the Rural 1(g) zone. The relevant SEPPs (including the Sydney Drinking Water Catchment SEPP) will</p>

Submission Issue	Comment & Recommendation
<p>uses that are permitted in the RU1 zone. Several submissions requested the use of an overlay or hatching for the current Rural 1(g) zoned land in Kangaroo Valley to protect its uniqueness via stronger controls, particularly as it is within the Sydney Drinking Water Catchment.</p>	<p>continue to apply, and offer additional protection, to all land in the Sydney Drinking Water Catchment, and possibly if adopted the recommended changes to the aims of the draft LEP in Section 1 of this report.</p> <p>An overlay or hatching is not consistent with the Standard Instrument. Whilst the loss of the 1(g) zone was initially a concern to Council and approaches were made to retain a similar provision, this was however unsuccessful. Reconsideration would possibly delay the finalisation of the draft LEP.</p> <p>Option 1 Receive the submissions regarding the loss of the Rural 1(g) zone in Kangaroo Valley for information.</p> <p>Option 2 Investigate the inclusion of an overlay or hatching in the draft LEP for the currently zoned Rural 1(g) land in Kangaroo Valley to protect its uniqueness via stronger controls.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>The submissions received from the community groups (Kangaroo Valley Tourist Association and Kangaroo Valley Community Association Incorporated) and fifteen (15) of the individual submissions raised concern that the Rural 1(b) zone in SLEP 1985 is zoned RU1 in draft SLEP 2013. The main concern is the number and type of inappropriate land uses that are permitted in the RU1 zone. This is of particular concern due to the aesthetic values of the approaches to Kangaroo Valley Village and the importance of its ongoing attractiveness to tourists. Several submissions suggest the use of an overlay or</p>	<p>There is no equivalent to the Rural 1(b) (Arterial and Main Road Protection) zone in the Standard LEP Instrument. Therefore the Rural 1(b) land across the City has been transferred to another rural zone (in the case of Kangaroo Valley the RU1 zone). An overlay or hatching is not considered achievable in this case.</p> <p>This matter was unsuccessfully pursued during the initial preparation of the plan. However, DP&I advise that should Council wish to consider the inclusion of additional controls to protect the scenic integrity of the main road through Kangaroo Valley, then the scenic preservation hatching overlay (and related clause) that already exists in the draft LEP could be amended to include the currently Rural 1(b) land along the approaches to Kangaroo Valley village. Further development guidelines or controls can be incorporated into a DCP.</p> <p>Option 1 Receive the submissions regarding the loss of the Rural 1(b) zone in Kangaroo Valley for information.</p>

Submission Issue	Comment & Recommendation
<p>hatching for the currently zoned Rural 1(b) land in Kangaroo Valley to protect its uniqueness via stronger controls that will prevent 'strip' development.</p>	<p>Option 2 Include the land currently zoned Rural 1(b) along Moss Vale Road through Kangaroo Valley village on the scenic preservation hatching overlay in draft LEP 2013.</p> <p><u>Recommendation</u> Include the land currently zoned Rural 1(b) along Moss Vale Road through Kangaroo Valley village on the scenic preservation hatching overlay in draft LEP 2013</p>
<p>The submission received from the Kangaroo Valley Community Association and sixteen (16) of the individual submissions raised concern that the Rural 1(c) zone at Kangaroo Valley in SLEP 1985 is to be zoned R5 in draft SLEP 2013. The main concern is the number and type of land uses that are permitted in the R5 zone, inconsistency of the proposed zoning with DCP 66 and that further subdivision will occur. This is of particular concern due to the aesthetic values of Kangaroo Valley and possible increase in development/expansion of Village that will impact on tourism. Several submissions suggest the use of an overlay or hatching for the R5 land in Kangaroo Valley to protect its uniqueness via stronger controls. A smaller number of submissions suggest that one of the proposed objectives for the R5 zone is inconsistent with the "administrative changeover" principle adopted for this draft LEP process.</p>	<p>The proposed R5 zone is currently the "best fit" transfer from the Rural 1(c) zone citywide. It is noted that the existing minimum lot size will be maintained via the lot size overlay and DCP 66 will continue to apply to the land. As such the proposed R5 zone will not facilitate additional subdivision. Another overlay or hatching is not considered necessary or in keeping with the Standard Instrument approach. Attempting to include this would possibly delay the finalisation of the draft LEP and may not ultimately be successful.</p> <p>Option 1 Receive the submissions regarding the transfer of the Rural 1(c) zoned land in Kangaroo Valley to R5 for information.</p> <p>Option 2 Investigate the inclusion of an overlay or hatching in the draft LEP for the currently zoned Rural 1(c) land in Kangaroo Valley to protect its uniqueness via stronger controls.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>The submission received from the Kangaroo Valley Tourist Association and</p>	<p>As noted in Section 5 of this report, the Standard LEP Instrument and the hierarchy of planning instruments does not support or facilitate inclusion</p>

Submission Issue	Comment & Recommendation
<p>several individual submissions state their desire to preserve the intentions of DCP 66.</p>	<p>of much of the content of DCP 66 in draft LEP 2013. Further, it needs to be recognised that DCP 66 will continue to exist and apply when this LEP is made. The planning importance of this DCP and its continued application over 12 years is recognised and will be maintained through the Citywide DCP.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>The Sydney Catchment Authority (SCA) submission supported the proposed SP2 zoning of their infrastructure in the Kangaroo Valley area. They previously requested that a local clause be included in the draft LEP to apply to development in the Sydney Drinking Water Catchment, and their submission re-iterated this request. They also made a request regarding the Codes SEPP. The SCA request regarding the Aims of the Plan has been addressed in Section 5 of this report.</p>	<p>As the LEP was being drafted and post the initial exhibition process, DP&I did not support the inclusion of a local clause to recognise the Sydney Water Catchment, as requested by SCA, although a clause of this nature already exists in SLEP 1985.</p> <p>It is a valid concern that draft LEP 2013 does not sufficiently reference the Sydney Drinking Water Catchment, and as a minimum the note at the beginning of the draft LEP that lists relevant SEPPs should include the Sydney Drinking Water Catchment SEPP. This, along with the recommended change to the Aims of the Plan in Section 5 of this report, elevates the awareness and importance of the drinking water catchment and the SEPP via the LEP.</p> <p>Option 1 Receive the submission regarding the Sydney Drinking Water Catchment for information.</p> <p>Option 2 Amend the draft LEP 2013 note that relates to SEPPs to specifically include the Sydney Drinking Water Catchment SEPP.</p> <p><u>Recommendation</u> Amend the draft LEP 2013 note that relates to SEPPs to include the Sydney Drinking Water Catchment SEPP.</p>

Options 10.1

Option 1

That Council support the recommendations outlined in Table 10.1 and amend the draft SLEP 2013 accordingly.

Option 2

Receive the submissions outlined in Table 10.1 for information.

Recommendation 10.1

- a) **Receive the submissions regarding Kangaroo Valley for information;**
- b) **Include the land currently zoned Rural 1(b) along Moss Vale Road through Kangaroo Valley village on the scenic preservation hatching overlay in draft LEP 2013; and**
- c) **Amend the draft LEP 2013 note that relates to SEPPs to include the Sydney Drinking Water Catchment SEPP.**

Issue 10.2 -Berry

Twenty-six (26) submissions were received in regard to Berry and surrounds. This excludes submissions that have been addressed in other sections of the report including: Berry Conservation Area, Huntingdale Park, Jaspers Brush Airfield, rezoning requests, land use table, environmental management clauses/ overlays and height of buildings.

Number of Submissions-Berry

Type	Number
Individual	22
Petitions	0
Local, State and Federal Agencies	2
Rezoning requests	0
CCBs and other community groups	1
Internal	1
Total	26

Key Issues-Berry

Table 10.2 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
A number of submissions commented on the land use tables generally, but two suggested that specific land uses be prohibited on the outskirts of Berry to protect the special heritage status and declared heritage landscape.	The Standard LEP Instrument is not structured to prohibit land uses in certain zones in specific areas. The Section 79C assessment process exists to determine if certain land uses should be approved in a specific location. Further, there are clauses in the draft LEP that require consideration of impact on heritage significance when development is proposed. It is unlikely, under the standardised approach to include provisions prohibiting specific uses in specific locations. Option 1 Receive the submissions regarding prohibition of

Submission Issue	Comment & Recommendation
	<p>specific land uses on the outskirts of Berry for information.</p> <p>Option 2 As a separate planning exercise, investigate specific land uses that should possibly be prohibited on the outskirts of Berry and explore ways to achieve this.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Four (4) individual submissions specifically noted their support for concerns raised by Berry Alliance in their submission to draft SLEP 2013.</p>	<p>The support is noted and the majority of concerns raised by the Berry Alliance have been addressed in other sections of this report, with the remainder being addressed in this section.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>The submission received from the RMS - Wollongong advised that the environmental assessment of the proposed Foxground/ Berry Bypass project is progressing towards the Ministers approval and that the proposed new road boundaries of the project were approved on 15 April 2013. Accordingly they requested that the new road boundaries be shown as SP2 Infrastructure "Classified Road" on both the zoning and land reservation map overlays.</p>	<p>As the RMS provided electronic drawings with their submission the approved Foxground/ Berry Bypass road can be mapped in draft SLEP 2013.</p> <p>Option 1 Receive the submission regarding the Foxground/ Berry Bypass for information.</p> <p>Option 2 Include the approved Foxground/ Berry Bypass alignment on the LRA and LZN map overlays in draft SLEP 2013.</p> <p><u>Recommendation</u> Include the approved Foxground/ Berry Bypass alignment on the land zoning and land reservation map overlays in draft SLEP 2013.</p>
<p>One internal submission was received from the Floodplain and Natural Resources Unit regarding a number of Flood Studies and Floodplain Risk Management Plans that have recently been adopted, and the data from them is not included in the exhibited draft SLEP 2013. The Broughton</p>	<p>The request is supported, as the Flood Planning Area map overlays will continue to be updated through time to contain the most current flood related data. The Floodplain Risk Management Study and Plan have been through a detailed process including community consultation.</p> <p>Option 1 Receive the submission regarding the Flood Planning Area map overlay for information.</p>

Submission Issue	Comment & Recommendation
<p>Creek Floodplain Risk Management Study and Plan is one of these and it is requested that the data be included in the Flood Planning Area map overlay in draft SLEP 2013.</p>	<p>Option 2 Amend the Flood Planning Area map overlay in draft SLEP 2013 to include the data from the adopted Broughton Creek Floodplain Risk Management Study and Plan.</p> <p>Option 3 Council not support the request at this stage, and consider the inclusion of the Broughton Creek Floodplain Risk Management Study and Plan to the Flood Planning Area map overlay as a future amendment to the LEP.</p> <p><u>Recommendation</u> Amend the draft SLEP 2013 Flood Planning Area map overlay to include the data from the recently adopted Broughton Creek Floodplain Risk Management Study and Plan.</p>
<p>One submission stated that using the RU1 zone for small acreages, such as those in Far Meadow, is not a “best fit transfer”.</p>	<p>The equivalent zones in the Standard LEP Instrument are not based on lot size. There are many “small acreages” that are most likely concessional allotments that currently have a Rural 1(a) or Rural 1(d) zoning under SLEP 1985. The equivalent zone under the “best fit transfer” is RU1 in draft SLEP 2013 if they are prime crop and pasture land.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One submission requested that Lot B DP 185785, Beach Road be given an environmental zoning, instead of RU4, due to its environmental attributes. The submission also states that Council has recently carried out weed maintenance on the lot.</p>	<p>The subject land is owned by Council and is “operational land”. The RU4 zone was the resolved transfer zone from the existing Rural 1(c) zone in this location following the detailed review carried out after the 2011 exhibition. It is not considered appropriate to give the land an environmental zoning at this stage, and it is noted that the relevant sections of Council did not make a submission in relation to the land.</p> <p><u>Recommendation</u> Receive for information.</p>

Options 10.2

Option 1

That Council support the recommendations outlined in Table 10.2 and amend the draft SLEP 2013 accordingly.

Option 2

Receive the submissions outlined in Table 10.2 for information.

Recommendation 10.2

- a) **Receive the submissions regarding Berry and surrounds for information;**
- b) **Retain the proposed E4 and RU4 zones on the outskirts of Berry as exhibited;**
- c) **Include the approved Foxground/ Berry Bypass alignment on the land zoning and land reservation map overlays in draft SLEP 2013; and**
- d) **Amend the draft SLEP 2013 Flood Planning Area map overlay to include the data from the recently adopted Broughton Creek Floodplain Risk Management Study and Plan.**

Issue 10.3 Shoalhaven Heads

Four (4) submissions were received in regard to Shoalhaven Heads and are summarised in Table 10.3 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

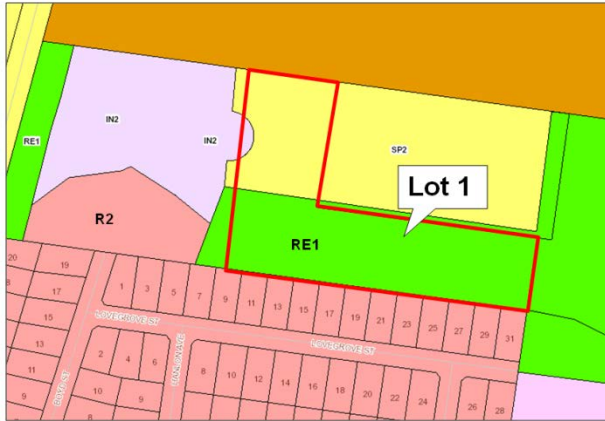
Number of Submissions-Shoalhaven Heads

Type	Number
Individual	2
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	3

Key Issues-Shoalhaven Heads

Table 10.3- Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
The Jerrinja Local Aboriginal Land Council requested that the proposed RE1 zoning for Lot 1 DP 1144191, Gerroa Road be reviewed to reflect the freehold status.	The subject site was transferred to the Land Council in March 2012 following a successful land claim in 2010. As such, the proposed RE1 Public Recreation and SP2 Infrastructure zoning of the property is inappropriate as it is now privately owned. The adjoining land is proposed to be zoned SP2 Infrastructure (Sewage Treatment

Submission Issue	Comment & Recommendation
	<p>Plant), IN2 Light Industrial, RE1 Public Recreation (currently leased to Shoalhaven Heads Golf Club), R2 Low Density Residential, and E1 National Park.</p> <p>The proximity of the site to National park, the potential for conflict with future industrial uses and the Sewage Treatment Plant make it unsuitable for residential uses. A mix of IN2 Light Industrial and E3 Environmental Management may be suitable alternative zones.</p> <p><u>Recommendation:</u> Rezone Lot 1 DP 1144194, Gerroa Road, Shoalhaven Heads from RE1 Public Recreation to E3 Environmental Management; and SP2 Infrastructure to IN2 Light Industrial.</p> <p><i>Note: If this recommendation is adopted it will be necessary to make minor amendments to the zoning boundaries of adjacent lots to correctly reflect the cadastral boundaries.</i></p>
<p>One submission supports the zoning for the golf course at Shoalhaven Heads.</p>	<p>This support is noted.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One submission requests that the paper road between David Berry and Bolt Streets be classified as “operational” land as the community has not identified it as a desired reserve.</p>	<p>The subject land is identified as a Crown Road reserve and therefore cannot be classified as “operational” land by Council. Crown Lands Division made no comment on this parcel of land in their submission on the LEP.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>One submission requests that the area zoned National Park on Coolangatta Mountain should allow public access for walking trails and mountain biking.</p>	<p>This is not an LEP issue and cannot be resolved or considered through this process. Details will be referred to National Parks for their consideration.</p> <p><u>Recommendation</u> Receive for information.</p>

Submission Issue	Comment & Recommendation
<p>One submission suggests that 25 acre lots on Bryces/Coolangatta Roads would be beneficial to Shoalhaven Heads, as those addresses fall within the public school catchment area and may encourage more farmers to the area.</p>	<p>This content of this submission is noted; however substantial rezonings or changes to minimum lot size are currently not supported by the State Government, and as such cannot be supported through this process.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One submission requests that the original Shoalhaven Heads Community Hall in Celia Place be declared a building of significance.</p>	<p>The Shoalhaven Heads Community Hall, located on Lot 42 DP 14490, Celia Place, is owned by Council and was not identified in the Shoalhaven Heritage Study 2003.</p> <p>There is insufficient evidence provided to warrant the inclusion of this building in the Heritage Schedule at this stage as part of the LEP process.</p> <p>Council could consider this as a future amendment to the LEP, following an appropriate detailed Heritage Assessment on the property.</p> <p><u>Recommendation:</u> Receive for information, and add to the matters for consideration following the completion of SLEP 2013.</p>

Options 10.3

Option 1

Accept the proposed recommendations outlined in Table 10.3 and amend the draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 10.3 for information.

Recommendation 10.3

- a) **Receive the Shoalhaven Heads related submissions for information;**
- b) **Rezone Lot 1 DP 1144194, Gerroa Road, Shoalhaven Heads from RE1 Public Recreation to E3 Environmental Management and SP2 to IN2 Light Industrial and correct the zoning boundaries of the adjoining lots;**
- c) **Add the possible Heritage listing of the Shoalhaven Heads Community Hall to the matters for consideration following the completion of SLEP 2013.**

Issue 10.4 -Nowra


One (1) submission was received in regard to, Nowra and is summarised in Table 10.4 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

Number of Submissions-Nowra

Type	Number
Individual	1
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	1

Key Issues-Nowra

Table 10.4- Summary of Submissions Issues, Comments and Recommendations

Submission	Comment & Recommendation
<p>The owner of Lot 26 DP 1088027, 26 Worrigeer St, Nowra, requested that their property be removed from the Heritage Schedule.</p>  <p>The submission states that the Heritage Advisor's report was not acted upon with respect to an approved development on a neighbouring property; and that this neighbouring property is built by the same builder and is not on the Heritage Register.</p> <p>The landowner states that she would never have agreed to the property being placed on the Heritage Register when her mother was asked.</p>	<p>This property was identified in the Shoalhaven Heritage Study 2003 and was listed on 13 April 2007 via SLEP 1985 Amendment No.212. The Heritage Study acknowledged that this property was an excellent example of a Federation weatherboard residence, with significant local historic and aesthetic value.</p> <p>It would appear that the request to remove the property from the Heritage Schedule is a response to the approval of a DA on the neighbouring property which the landowner did not agree with.</p> <p>This does not however lessen the Heritage significance of the subject property, nor has the landowner provided sufficient justification to warrant its removal from the Heritage Schedule of the LEP.</p>

Options 10.4

Option 1

Receive this submission for information and retain Lot 26 DP 1088027 in the Heritage Schedule of LEP 2013.

This option is preferred as the property was identified as having local historic significance as part of the Shoalhaven Heritage Study 2003.

Option 2

Remove Lot 26 DP 1088027 from the Heritage Schedule of LEP 2013.

This option is not preferred as the landowner has not provided significant justification to warrant its removal from the Heritage Schedule of the LEP.

Recommendation 10.4:

- a) Receive this submission for information; and***
- b) Retain Lot 26 DP 1088027 in the Heritage Schedule of LEP 2013.***

Issue 10.5: North Nowra

Two (2) submission was received in regard to, Nowra and is summarised in Table 10.5 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

Number of Submissions-North Nowra

Type	Number
Individual	2
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	2

Key Issues-North Nowra

Table 10.5- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comment & Recommendation
One submission recommended that Council place some protection on the historical and environmental significance of the old Condie Homestead.	As no specific property details were provided in this submission, it is assumed the property referred to is the "Former Condie's Cottage", located on Lot 117 DP 751274, Koolona Drive, Watersleigh. This

Submission Issues	Comment & Recommendation
	<p>property is already identified as a heritage item in the LEP.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One submission raised concern over the necessary infrastructure provision and modification required, in addition to the North Nowra Link Road and proposed new river crossing, prior to any further expansion of Nowra and North Nowra as proposed in SLEP 2013.</p>	<p>Council is aware of the additional infrastructure requirements for all new Urban Release Areas (URAs) outlined in the Nowra Bomaderry Structure Plan, and is working with State Government to ensure these requirements are in place or planned prior to URAs being released. To this end, the Nowra Bomaderry Project Control Group has been established and is chaired by the NSW Department of Planning and Infrastructure.</p> <p><u>Recommendation</u> Receive for information.</p>

Recommendation 10.5:

Receive the North Nowra related submissions for information.

SECTION 11 – REMAINING AREA SPECIFIC ISSUES – CENTRAL AREA

Issue 11.1: Falls Creek

Four (4) submissions were received in regard to, Falls Creek and are summarised in Table 11.1 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

Number of Submissions- Falls Creek

Type	Number
Individual	4
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	4

Key Issues –Falls Creek

Table 11.1- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comments/Recommendation
<p>One (1) submission objected to the zoning of R5 and minimum lot size of 2 ha relating to properties on Gardner Road, Falls Creek.</p> <p>Recommends that a minimum lot size of 1 ha is more appropriate for the full utilisation of the presently available public services and development of the local area allowing for an increased population of Falls Creek.</p>	<p>The 2ha minimum lot size is a 'best fit' transfer from SLEP 1985.</p> <p>The submission has not provided sufficient justification to warrant a change in zone or minimum lot sizes.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>One (1) submission supported the draft LEP and draft R5 zoning of property at 50 Mortimer Rd, Falls Creek.</p>	<p>Support is noted.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>One (1) submission objected to current zoning and minimum lot sizes for land in Falls Creek, Woollamia, Huskisson and surrounding areas, in particular MacArthur Drive (and the blocks that back onto Jervis Bay Rd).</p> <p>Reducing the minimum lot size will result in the following:</p> <ul style="list-style-type: none"> - Higher rates of return on current developed land. - More development. - More residents. - More revenue from available services - Reduced likelihood of bush fire danger and damage due to maintained yards - Minimal drain on existing services. 	<p>The LEP was intended to be an administrative changeover, and did not consider reducing minimum lot sizes without strategic justification.</p> <p>The submission has not provided sufficient justification to warrant a change in zone or minimum lot sizes.</p> <p><u>Recommendation:</u> Receive for information.</p>

Recommendation 11.1:

Receive the various submissions regarding Falls Creek for information.

Issue 11.2: Woollamia

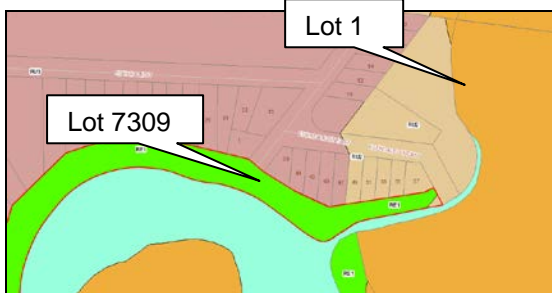
Nine (9) submissions were received in regard to, Woollamia and are summarised in Table 11.2 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

Number of Submissions-Woollamia

Type	Number
Individual	6
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	9

Key Issues-Woollamia

Table 11.2- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comments/Recommendation
<p>Two (2) submissions requested that Lot 7309 DP1153643 and Lot 1 DP 510429 on the eastern end of Edendale St be given a heritage zoning due to the presence of Aboriginal Middens.</p> 	<p>The draft SLEP 2013 only includes items of European history as there has not been a comprehensive study of Aboriginal heritage in Shoalhaven, nor has there been any agreement with the Aboriginal Land Councils that items of Aboriginal significance can be included in the LEP.</p> <p>Clause 5.10 Heritage Conservation requires consent for any development that involves disturbing or excavating an area of Aboriginal significance also other existing legislation affords protection to sites that have such significance. The inclusion of these properties on the heritage schedule is not justified at this point in time.</p> <p>This request was also previously considered following the 2011 exhibition.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>One (1) submission commented that Lot 7316 DP 1163609 and Lot 7313 DP 1163665 are both covered by Aboriginal Land Claim (ALC) (3148) that has been granted but title has</p>	<p>The subject lots were given a 'best fit' transfer to RU2 consistent with the current 1(d) zone under SLEP 1985.</p> <p>The request has not provided sufficient</p>

Submission Issues	Comments/Recommendation
<p>not been given. Expected to be completed by end of 2013.</p> <p>These two parcels should be zoned to reflect their freehold status, and allowing the Jerrinja LALC to possibly develop the land in the future.</p>	<p>justification to warrant changing the zones.</p> <p>The future zoning of this land may need to be considered via a separate Planning Proposal in the future.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>The Jerringa Local Aboriginal Land Council requested that land at Woollamia (DP 755928) be rezoned to reflect its freehold status.</p>	<p>This submission relates to a successful ALC that has not yet been surveyed, therefore the land is still in Crown Lands ownership. There are numerous lots in this DP, and it is unclear which ones this submission relates to.</p> <p>It is assumed that the subject lot was given a 'best fit' transfer zone consistent with the administrative transfer approach to the draft SLEP 2013.</p> <p>The request has not provided sufficient justification to warrant changing the zones.</p> <p>The future zoning of this land may need to be considered via a separate Planning Proposal in the future.</p> <p><u>Recommendation:</u> Receive for information.</p>

Recommendation 11.2:

Receive the submission issues outlined in Table 11.2 for information

Issue 11.3: Huskisson

Sixteen (16) submissions were received in regard to, Huskisson and are summarised in Table 11.3 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

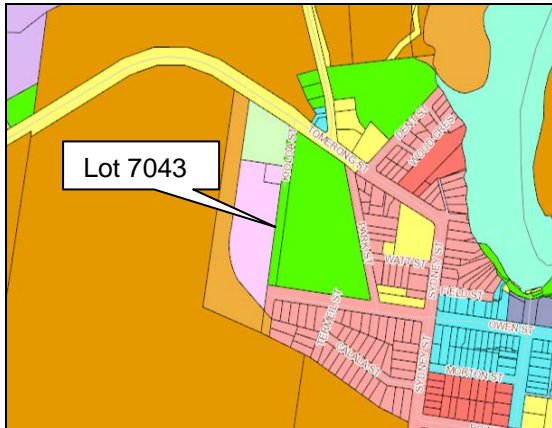
Number of Submissions-Huskisson

Type	Number
Individual	6
Petitions	0
Local, State and Federal Agencies	1

Rezoning requests	0
CCBs and other community groups	2
Internal	0
Total	16

Key Issues -Huskisson

Table 11.3- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comments/Recommendation
<p>OEH made the following comments in relation to properties at Huskisson:</p> <p>Lot 7043 DP 1094566 Huskisson Rd Huskisson - Supports the change of zoning boundary from R1 to E2.</p> <p>Lot 7037 DP 1094569 and the adjoining road reserve – Supports zone change from B4 to E2.</p>	<p>Support for these zone changes is noted.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Five (5) submissions requested the R1 block to the south of Huskisson Bowling Club (Lot 7043 DP 1094566) be rezoned to E2, consistent with other E2 zoned land in the vicinity and providing a fire barrier for the village.</p>	<p>The proposed R1 General Residential is a 'best fit' transfer of the existing Residential 2(c) zone.</p> <p>The area of the R1 zone was reduced following the previous exhibition of the draft LEP based on a Crown Land assessment which identified the western and southern parts of the block for environmental protection only.</p> <p>Five (5) submissions requested that the entire lot be zoned E2, however insufficient justification has been provided to warrant this change. The change would also be inconsistent with the Crown Land assessment.</p> <p><u>Recommendation:</u> Receive for information.</p>
	
<p>Three (3) submissions commented that Council should develop a master plan for Huskisson rather than relying on piecemeal DCPs.</p>	<p>Huskisson has two relatively contemporary DCPs, DCP No. 54 - Huskisson Tourist Town Centre and DCP No. 99 - Huskisson Business 3(g) Zone Precincts. These DCPs have included considerable community consultation in their preparation and finalisation.</p> <p>These DCPs cover the town centre and the current Business 3(g) (Development) zones as</p>

Submission Issues	Comments/Recommendation
	<p>these are the areas which have the highest development potential in Huskisson. The remainder of the town generally consists of residential zoned land. Development in these residential zones is likely to be covered by the relevant DCP for the type of development proposed e.g. a dwelling house would be covered by DCP No. 91 Single Dwelling and Ancillary Structures.</p> <p>Therefore a range of existing planning controls apply to Huskisson and cover a large percentage of the town. The preparation of a master plan for Huskisson would require consideration outside of the current LEP process and is not part of the planning work program. This could only be undertaken if Council supported the process and allocated additional resources.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Two (2) submissions requested the existing Huskisson Car Park be zoned as a public car park. The land should be classified "Community" Land with the requirement that Council must gain approval from the community if the land is to be used for any use other than a public car park.</p>	<p>The car park is proposed to be zoned B2 consistent with the "best fit" transfer approach to the draft SLEP 2013 and "car parks" are permissible in this zone. The current business zone has been in place since 2005 and the car park can continue to operate under the proposed B2 zone.</p> <p>It is common for car parks to be classified as "operational". "Community" classification generally relates to community reserves etc.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>One(1) submission requests the area surrounding Currambene Creek and associated wetlands be protected from clearing and inappropriate development with an E2 zoning.</p>	<p>The area surrounding Currambene Creek is primarily proposed to be zoned either E1 or E2.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Five (5) submissions support the following zones:</p> <ul style="list-style-type: none"> • Land adjacent to Berry Street zoned E2. • Anglican Church land zoned 	<p>Support for these zones is noted.</p> <p><u>Recommendation:</u> Receive for information.</p>

Submission Issues	Comments/Recommendation
SP2. <ul style="list-style-type: none"> • B2 zone for Huskisson. 	
The Huskisson Chamber of Commerce and Tourism inc. questioned whether a detailed commercial retail study has been done for any spot rezoning outside the commercial/retail area before they are approved.	No commercial retail study has been undertaken as part of the LEP process. Such a study is outside of the scope of the LEP. <u>Recommendation:</u> Receive for information.
One (1) submission dislikes recent developments in Owen St - eye sore and add no value to village	Concerns about recent developments are noted. The LEP controls in Huskisson essentially represent a “best fit” transfer from existing controls. <u>Recommendation:</u> Receive for information.

Recommendation 11.3:

Receive the submissions regarding Huskisson for information.

Issue 11.4: Vincentia and Hyams Beach

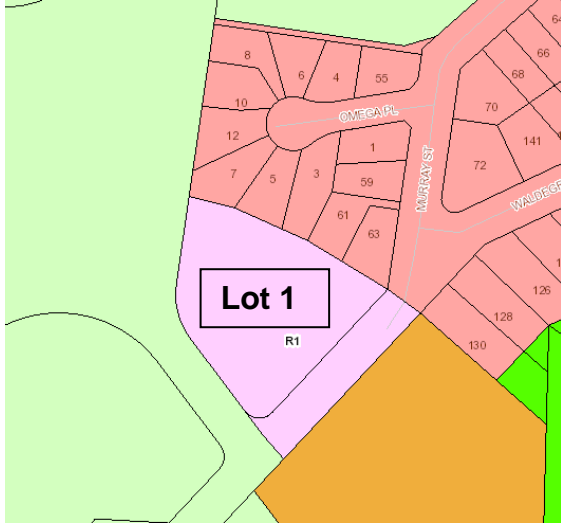
Ten (10) submissions were received in regard to, Vincentia and Hyams Beach and are summarised in Table 11.4 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

Number of Submissions-Vincentia and Hyams Beach

Type	Number
Individual	5
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	3
Internal	0
Total	10

Key Issues- Vincentia and Hyams Beach

Table 11.4- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comments/Recommendation
<p>Two (2) land owners within the Community Plan requested that Lot 1 DP 270413, Waldegrave Cres be zoned E2 to reflect its approved use.</p>  <p>The subject land is approved under a Community Plan and is deemed common property to be used to preserve the existing native vegetation. The Community Title restricts the land from any future development. The draft zoning is at odds with the approved use of the site.</p>	<p>The R1 zone is consistent with the 'best fit' transfer of zones. However, the Community Title approval restricts the use of the land to only allow for the management of native vegetation, and the R1 zone appears to now be inconsistent with this.</p> <p>Thus an E2 zone would better reflect the approved use of the site.</p> <p><u>Recommendation:</u> Rezone Lot 1 DP 270413 and the adjoining road reserve from R1 to E2 to reflect the approved use of the site in draft SLEP 2013.</p>
<p>Orion Beach Foreshore Environment Protection Community commented that the foreshore reserve between the eastern end of Vincentia Boat Ramp Park and the western end of Barfleure Beach should be changed from Open Space 6(a) (Existing Recreation) to Environmental Protection 7(a) (Ecology).</p>	<p>The subject land is a public reserve and is Crown Land for the purpose of public recreation, community purpose, environmental protection, tourist facilities and services.</p> <p>The proposed RE1 zone is a best fit transfer from the current 6(a) zone and is considered the most appropriate zone for the site.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>One (1) submission supports the reclassification of Lot 180 DP 536100 (Plantation Point) to community land, and its rezoning as RE1 Public</p>	<p>Support is noted.</p> <p><u>Recommendation:</u> Receive for information.</p>

Submission Issues	Comments/Recommendation
Recreation.	
<p>Request that residential care facilities be deleted from the proposed B2 zone to be applied to Vincentia shops.</p>	<p>Residential care facilities are a permissible use in the overall B2 zone in the draft LEP. The standard instrument does not allow for clauses to restrict a land use in a zone that it is otherwise permissible in.</p> <p>It is noted that SEPP Seniors Living allows for residential care facilities in the B2 zone and the provisions of the SEPP override Councils LEP.</p> <p>To restrict residential care facilities in this area, Council would need to change the zone of the land.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>The Orion Beach Foreshore Environment Protection Community supported the following changes to the LEP:</p> <ul style="list-style-type: none"> • Bayswood and Woolworths being included in the SLEP 2013 • The medical centre at Bayswood being rezoned to R1 General Residential • The Yacht Club site at Plantation Point being zoned RE1 public recreation 	<p>Support is noted.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>One (1) individual objected to the excessive land clearing disregarding tree preservation and wildlife corridors along Naval College Road to the west of The Wool Road (assum Bayswood development).</p>	<p>Concerns are noted, however are not relevant to the LEP. The subject development was approved by the State Government under Part 3A of the EP&A Act 1979.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>One individual raised concerns about traffic congestion in holiday periods; the change of plans for the Woolworths development; and the lack of a local library for the area.</p>	<p>Comments are noted, however are not able to be resolved via the LEP.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Request from Jerrinja Local Aboriginal Land Council (JLALC) to rezone land adjoining Hyams Beach village owned</p>	<p>It is unclear which land this submission is referring to as no Lot & DP has been provided. Council records do not show any land owned</p>

Submission Issues	Comments/Recommendation
by JLALC to either E2, E3 or E4, not E1.	<p>by JLALC in this area. It may be Lot 7313 DP 1165983, as records indicate there is a granted Aboriginal Land Claim over this property. However, the land is still shown as Crown land.</p> <p>Lot 7313 DP 1165983 is identified as proposed National Park under the Jervis Bay Regional Environmental Plan and should be retained as E1 in the LEP.</p> <p><u>Recommendation:</u> Receive for information.</p>

Option 11.4

Option 1

Support the recommendations outlined in Table 11.4 and amend draft SLEP 2013 accordingly.

Option 2

Receive submission issues outlined in Table 11.4 for information.

Recommendation 11.4:

- a) **Receive submission issues outlined in Table 11.4 for information; and**
- b) **Rezone Lot 1 DP 270413 and the adjoining road reserve from R1 to E2 to reflect the approved use of the site.**

Issue 11.5: St Georges Basin and surrounds


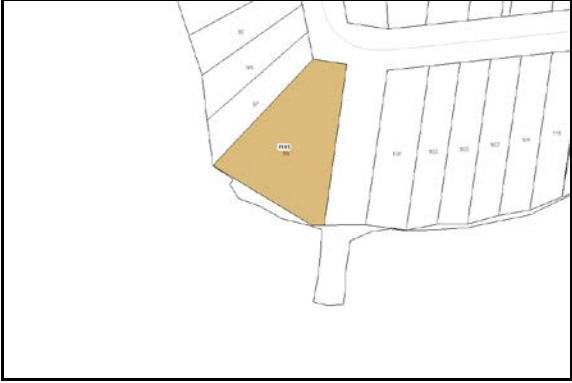
Seven (7) submissions were received in regard to, St Georges Basin and surrounds and are summarised in Table 11.5 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

Number of Submissions – St Georges Basin and surrounds

Type	Number
Individual	6
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	7

Key Issues- St Georges Basin and surrounds

Table 11.5- Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
<p>Wrights Beach village be rezoned from RU5 to R2 as all other villages have an R2 zoning, and the village adjoins Jervis Bay and Booderee National Park.</p> 	<p>The Wrights Beach village was exhibited with an R2 zoning, and not RU5 Village as suggested in the submission.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>One (1) submission commented that the foreshore area between Bream Beach Caravan Park and Wright’s beach should be changed from SP3 Tourist to E2 Environmental Conservation due to adjacent Jervis Bay National Park and significant vegetation.</p> <p><i>Note: submitter does not own the land.</i></p>	<p>This Caravan Park exists and is privately owned and whilst the environmental value of the broader area is acknowledged, limited justification has been provided and a submission was not received from the landowner to support such a change. It is also noted that the park is currently zoned Residential 2(d).</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>The owner of Lot 20 DP 7984 Sec 2, 99 Naval Parade, Erowal Bay requests the heritage listing be removed over the property due to substantial alterations to the listed guesthouse.</p> 	<p>This property was identified in the Shoalhaven Heritage Study 2003 and was heritage listed on 13 April 2007 via SLEP 1985 Amendment No.212. The Heritage Study acknowledged that extensive renovations had occurred to the former Guest House “Dungowan”. The justification provided in recent the submission is considered insufficient to warrant removal of this Heritage Item.</p> <p><u>Recommendation:</u> Receive for information.</p>

Submission Issue	Comment & Recommendation
<p>The alterations that have occurred include:</p> <ul style="list-style-type: none"> - House cut into two, line of cut being the original southeast wall of the main lounge; - Both halves were moved to the southeast and rotate about 45 degrees to face east to the side street; - Clad the whole of the property at the exterior veranda line in brickwork; - Replace all windows with aluminium windows; - Add veranda to rear of lounge room now on west side; - Reconstruct fireplace in new brickwork. <p>The submission also quoted points from a meeting with Council's then Heritage Advisor, Robin Graham on 28 August 2005:</p> <p><i>"It is however noted that the extent of change is such that restoration to its original location and configuration is not considered a viable option and that the interpretation has been diminished by the alterations"</i></p>	

Recommendation 11.5:

Receive the submissions regarding St Georges Basin and surrounds for information

Issue 11.6: Culburra Beach

The issues relating to Lake Wollumboola have presented in Section 9 of this report. One other submission was received that related specifically to the Culburra Beach area. This submission from the Jerrinja Local Aboriginal Land Council (JLALC) relates to their landholdings in the Culburra area and is summarised below.

Summary of Culburra Beach

Type	Number
Individual	0
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	0

Key Issues- Culburra Beach

Table 11.6- Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
Lot 1 DP 1151723 (land known as Red Rock or Red Point) : Requests an allowance clause for construction of a camping ground. The land has been used as an informal camping area by the general public while under National Park and Wildlife ownership, and due to a successful land claim is now owned by JLALC. Currently preparing a DA for a camping ground on the site and indicates that this is supported by OEH.	This request is supported given the informal use of the land as a camping ground and the support of OEH. <u>Recommendation</u> Amend Schedule 1 of draft LEP 2013 to allow for 'camping grounds' on Lot 1 DP 1151723 (Red Rock off Currarong Road).
Lot 97 DP 720048 Seagull St, Culburra Beach: Rezone the area of land that is zoned RE1 Public Recreation to a zone that reflects its privately owned status. (Note: a submission by JLALC on the original exhibition requested this area be zoned RE2, however this was overlooked at the time and it was added to the matters for consideration in the finalisation of the LEP.	Given that this land is privately owned, it is appropriate to change the area zoned RE1 to an appropriate zone to reflect the ownership. <u>Recommendation</u> Change the zone of part of Lot 97 DP 720048 Seagull St, Culburra Beach from RE1 to E3.

Option 11.6

Option 1

Support the recommendations outlined in Table 10.1 and amend the draft SLEP 2013 accordingly.

Option 2

Receive the submissions outlined in Table 10.1 for information.

Recommendation 11.6

- a) Amend Schedule 1 of draft LEP 2013 to allow for 'camping grounds' on Lot 1 DP 1151723 (Red Rock off Currarong Road).***
- b) Change the zone of part of Lot 97 DP 720048 Seagull St, Culburra Beach from RE1 Public Recreation to E3 Environmental Management.***

Issue 11.7- Myola

Two (2) submissions were received in regard to, Myola and are summarised in Table 10.2 below. This excludes submissions that have been addressed in other sections of

the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

Number of Submissions- Myola

Type	Number
Individual	1
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	2

Key Issues –Myola

Table 11.7 - Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comments/Recommendation
Two submissions, including one from OEH objected to the RU2 zoning of Lot 101 DP 755928 Myola. Consider E2 to be more appropriate. The land is unsuitable for development and is a crucial link in the conservation of the Jervis Bay network. Requests that the parcel be zoned E2, consistent with the status of the parcel within the Jervis Bay REP.	<p>This comment is supported; however, the JLALC should be advised of this proposed change given that it is understood that it will be transferred to them.</p> <p><u>Recommendation:</u> Support the recommendations outlined in Table 11.7 and amend draft SELP 2013 accordingly, subject to the concurrence of JLALC.</p>

Option 11.7

Support the recommendations outlined in Table 11.7 and amend draft SELP 2013 accordingly, subject to the concurrence of JLALC.

Option 11.7

The submission issues outlined in Table 11.7 be received for information.

Recommendation 11.7:

Support the recommendations outlined in Table 11.7 and amend draft SELP 2013 accordingly, subject to the concurrence of JLALC.

SECTION 12 – REMAINING AREA SPECIFIC ISSUES – SOUTHERN AREA

Issue 12.1: Tomerong, Sussex Inlet, Swan Lake, Cudmirrah and Berrara

Five (5) submissions were received in regard to, Tomerong, Sussex Inlet, Swan Lake, Cudmirrah and Berrara and are summarised in Table 12.1 below. This excludes submissions that have been addressed in other sections of the report including those related rezoning requests, environmental overlays, land use table and height of buildings.

Number of Submissions- Tomerong, Sussex Inlet, Swan Lake, Cudmirrah and Berrara

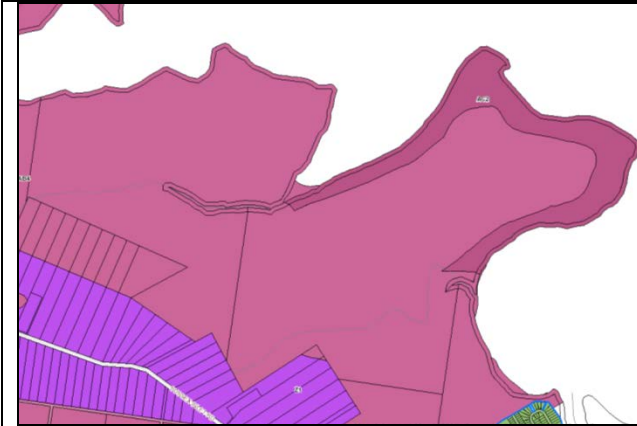
Type	Number
Individual	0
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	3
Internal	0
Total	4

Key Issues- Tomerong, Sussex Inlet, Swan Lake, Cudmirrah and Berrara

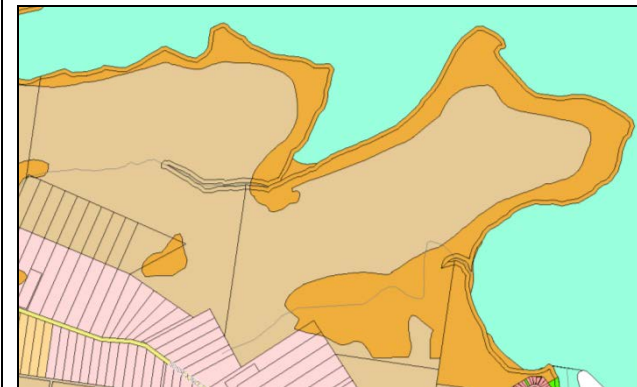
Table 12.1- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comment & Recommendation
One (1) submission from the landowners of Lot 2 DP 1094024 and Lot 52 DP 1033684 (land known as One Tree Bay). Requested that the exhibited 90ha minimum lot size affecting the land be changed to 40ha minimum lot size as previously exhibited in draft SLEP 2009 and as currently applied under Shoalhaven LEP 1985. This submission also requested that discussions commence regarding future development on this land in exchange for appropriate concessions to facilitate public access to foreshore areas.	<p>Council resolved on 24 April 2012 to “prohibit ‘dwelling houses’ on the existing 7(d2) zoned land via either an additional local clause or the minimum lot size overlay map”. The foreshore area of the land known as One Tree Bay (Lot 2 DP 1094024 and Lot 52 DP 1033684) to be zoned E2 was subsequently changed from a minimum lot size of 40HA to 90HA in accordance with this resolution. It is noted that the minimum lot size for the affected part of Lot 2 DP 1094024 retained a 40HA minimum lot size. This is a mapping anomaly and it is recommended that the minimum lot size of this foreshore area be changed to prevent a dwelling house being a permissible use on land with high environmental value.</p> <p>Council staff have had an initial meeting with a prospective purchaser of the One Tree Bay property. However nothing has transpired as yet and it would be subject</p>

Submission Issues



The Cudmirrah Berrara Swanhaven Progress Association Inc also requested that One Tree Bay remain a rural zone.



Lake Wollumboola Protection Association Inc and the SLEP Review Group request that the zoning of Swan Lake Estuarine channel be changed from W2 to W1.

Cudmirrah Berrara Swanhaven Progress Association Inc request that the Swan Lake Estuarine Channel between Springs Road and Cudmirrah Beach remain as W2 and also propose that it be made a 4 knot no wash zone.

Lake Wollumboola Protection Association Inc and the SLEP Review Group request a change from E3 to E2 Environment Conservation for land immediately north of Swanhaven village.

Cudmirrah Berrara Swanhaven Progress Association Inc request that no changes be

Comment & Recommendation

to a future planning proposal if needed.

The comments from Cudmirrah Berrara Swanhaven Progress Association Inc are noted.

Recommendation:

Amend the Minimum Lot Size map from 40HA to 90HA for that part of Lot 2 DP 1094024 zoned E2 in draft SLEP 2013 and 7(d2) in Shoalhaven LEP 1985 and retain the minimum lot size provisions for Lot 52 DP 1033684 as exhibited.


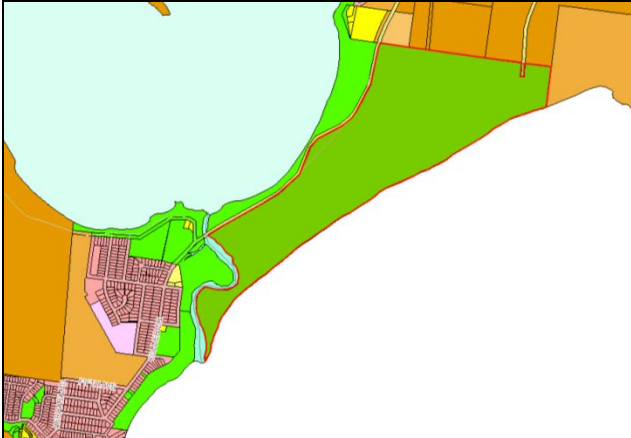
Council resolved on 20 June 2012 to: *map the areas of Swan Lake identified as "area of ecological sensitivity" in LEP 1985 as W1 Natural Waterways and retain the W2 Recreational Waterway zoning of the Swan Lake inlet.*

The W2 zoning is still considered appropriate for the Swan Lake inlet. It is the responsibility of NSW Maritime Services to enforce speed zones in waterways.

Recommendation:

Receive for information.

It is assumed that these submissions refer to the Crown Land north of the Swanhaven village. This area of land was exhibited as E2.

Submission Issues	Comment & Recommendation
<p>made to the E3 Environmental Management land immediately north of Swanhaven Village.</p>	 <p><u>Recommendation:</u> Receive for information.</p>
<p>Cudmirrah Berrara Swanhaven Progress Association Inc requests that no change be made to zoning of E2 for land east of Swan Lake between Springs Road and Cudmirrah Beach. Change not warranted.</p> 	<p>As no property details have been included, it is assumed that this request relates to the Council Reserve adjoining Cudmirrah Beach. Council is currently undertaking a review of all land in Council's ownership or care, control and management which will consider issues such as appropriateness of current zones. It is likely that the recommendations of this review will be implemented as a future amendment to the LEP.</p> <p><u>Recommendation:</u> Receive for information.</p>

Options 12.1:

Option 1

Accept the recommendations outlined in Table 12.1 and amend draft SLEP 2013 accordingly.

Option 2

Receive all the submission issues outlined in Table 12.1 for information.

Recommendation 12.1:

- a) **Receive various submissions regarding Sussex Inlet, Swan Lake and Berrara for information**
- b) **Amend the Minimum Lot Size map from 40HA to 90HA for that part of Lot 2 DP 1094024 zoned E2 in draft SLEP 2013 and 7(d2) in Shoalhaven LEP 1985**

and retain the minimum lot size provisions for Lot 52 DP 1033684 as exhibited.

Issue 12.2: North Bendalong, Bendalong, Manyana, Berringer Lake and Cunjurong Point

Thirty one (31) submissions were received in regard to, North Bendalong, Bendalong, Manyana, Berringer Lake and Cunjurong Point and are summarised in Table 12.2 below. This excludes submissions that have been addressed in other sections of the report including those related rezoning requests, environmental overlays, land use table and height of buildings.

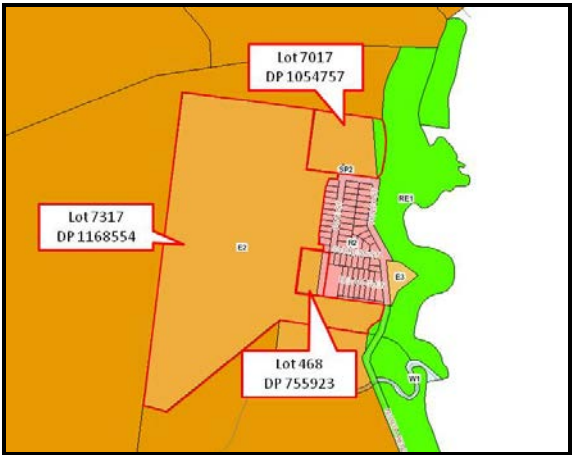
Number of Submissions- North Bendalong, Bendalong, Manyana, Berringer Lake and Cunjurong Point


Type	Number
Individual	22
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	31

Key Issues- North Bendalong, Bendalong, Manyana, Berringer Lake and Cunjurong Point

Table 12.2- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comment & Recommendation
<p>North Bendalong Nineteen (19) submissions were received in regard to the Crown Land at North Bendalong, particularly Lot 468 DP755923 Cyprus Street, North Bendalong.</p> <p>Seven (7) submissions (6 individual and 1 community group) supported the exhibited E2 Environmental Conservation zoning of the subject land including the exhibited strip of R2 Low Density zoning under the premise it be retained solely as an Asset Protection Zone (APZ) and not for further development.</p> <p>Eleven (11) individual submissions objected to the part R2 Low Density zoning covering Lot 468 and requested the subject land be zoned to not enable further development and serve as an APZ for existing</p>	<p>It is understood that the Crown is considering the sale of Lot 468 to the adjacent land owner. The history of this issue was reported to Council after the initial 2011 exhibition of draft Shoalhaven LEP (SDC Meeting 12 June 2013).</p> <p>The submissions generally objected to further development of the subject land, particularly Lot 468 and requested the land be maintained as an APZ and in the exhibited E2 zone.</p> <p>Crown Lands requested the whole of Lot 468 and other areas adjacent to the village be zoned R2 Low Density, however, based on details outlined in the previous report to Council after the</p>

Submission Issues	Comment & Recommendation
<p>development. These objections were based on concerns about further development over the subject land including: impacts on Washerwoman's Creek catchment, slope of land and biodiversity values and increased bushfire risk.</p> <p>General comments on the zoning of the subject land included:</p> <ul style="list-style-type: none"> • a request the land remain with the Crown; • that any increase in development of the North Bendalong area be based on proper planning, community consultation and in accordance with the LEP; • impact on village character; • social implications (as there are no jobs in the area).  <p>One submission from the landowner - NSW Crown Lands objected to the E2 zoning of the subject land and requested that Lot 468, Lot 7017 and part of Lot 7317 be zoned R2 Low Density as outlined in the map below and the remainder of Lot 7317 DP 1168554 be zoned E3. They believe this request is in line with adjoining Bendalong Village, in keeping with previous zoning and the "best fit" transfer principle, as proposed in State Governments South Coast Sensitive Urban Land Review (SULR) 2006 and as supported by DP&I in correspondence to</p>	<p>initial exhibition of draft Shoalhaven LEP (SDC Meeting 12 June 2013), this request previously was not supported.</p> <p>In addition to Councils agreed position on the zoning prior to exhibition (to retain the R2 zone strip and E2 zone), the obvious strong community opposition to further development and concern regarding social and environmental impacts is noted. The land surrounding North Bendalong was consistently shown in both LEP exhibitions as an E2 zoning, with a small strip of R2 land on Lot 468 to provide a possible perimeter road connection in the future. There is limited justification to extend the R2 zone, other than the submission from Crown Lands. Council generally has two options as detailed below:</p> <p>There are two options to address this issue at this point in the LEP process. There are:</p> <p><u>Option 1</u> Retain the exhibited zoning of Crown Land at North Bendalong.</p> <p><u>Option 2</u> Amend the exhibited E2 Environmental Conservation zoning of Crown Land at North Bendalong Lot 7317 DP 1168554, part of Lot 468 DP 755923 (Por 468) and Lot 7017 DP 1054757 to E3 Environmental Management and retain the exhibited R2 strip over part of Lot 468 DP 755923</p> <p><u>Recommendation</u> Retain the exhibited zoning of Crown Land at North Bendalong.</p>

Submission Issues	Comment & Recommendation
<p>Council dated 8 October 2009. It is also noted that Crown Lands previously requested that the land be rezoned to R1 as a best fit transfer from Shoalhaven LEP 1985, however this was not supported by Council.</p>  <p>Map 34 – North Bendalong – Pink outline shows required R2 zoning.</p>	
<p>Manyana Retain the E3 zone and amend Schedule 1 - Additional Permitted Uses to delete amusement centres, community facilities, food and drink premises, function centres, recreational facilities (indoor), registered clubs as permissible uses on this land.</p> <p>Or</p> <p>The land be rezoned to RE2 with a local clause that prohibits caravan parks over the site.</p> <p>Concerned owner could receive land use rights pertaining to both RE2 and E3 to compensate for the deletion of caravan parks - as per the 1985 SLEP. This outcome runs contrary to the aims for E3 environmental land.</p>	<p>The subject land is currently zoned Open Space 6(b) (Private Recreation) in LEP 1985. Part of the land is also affected by Clause 54 of LEP 1985 which prohibits the development of a 'caravan park' on the subject land, given this use would be ordinarily permissible in 6(b).</p> <p>At the time of preparing the draft LEP, the Standard Instrument did not allow local clauses or sub zones to prescribe a similar control to that in LEP 1985. Through negotiations with DP&I, Council's only option to achieve the same outcomes/ controls was to zone the land E3 Environmental Management instead of the 'best fit' transfer RE2 Private Recreation so that 'caravan parks' would continue to be a prohibited use on the site.</p> <p>In order to retain similar development potential opportunities for the site the DP&I advised that the use of Schedule 1 – Additional Permitted Uses would be appropriate to list the uses permissible in an RE2 Private Recreation zone, excluding 'caravan parks', as exhibited</p>

Submission Issues	Comment & Recommendation
	<p>in draft LEP 2013.</p> <p>Alternatively, Council could seek to rezone the subject area from E3 to RE2 and pursue a local clause to prohibit “caravan parks”. This would achieve a “best fit” transfer and may be possible given the changing approaches to sub zones.</p> <p>The subject land was exhibited as E3, and this zone does not allow for caravan parks. The Schedule 1 Clause allows for the existing permitted uses to continue over the site and is considered an appropriate means of achieving a best fit transfer within the current framework.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>The 30 metre Building Line should be maintained as part of the Citywide DCP</p>	<p>As part of the Standard LEP Instrument process, DP&I advised that buildings lines could not be included in the draft LEP and should be included in the Citywide DCP instead. The concerns raised by the community are noted in this instance and staff have a similar issue with building lines generally not being included in the draft LEP. The consistent advice has been that relevant building lines will be incorporated into the Citywide DCP.</p> <p><u>Recommendation:</u> Include the current LEP 1985 30m building lines over Kylor Land in the Citywide DCP.</p>
<p>Requests that R5 zoned land not be changed to R2 as Council previously recommended to the DP&I; and that the proposed planning proposal for the site not be considered until after the completion of SLEP2013.</p>	<p>As a result of the 2011 exhibition and an assessment against the use of the R5 zone, Council resolved (in part):</p> <p><i>b) That the R2 Low Density Residential zone be applied to land currently zoned 2(a2) and 2(a3) under SLEP 1985 and lot size maps be amended to show minimum lot sizes of 2,000m² applying</i></p>

Submission Issues



Comment & Recommendation

to 2(a2) land and 4,000m2 applying to 2(a3) land.

This change was included Citywide and submitted to DP&I. The conditional Section 65 Certificate received in December 2012 required Council to revert to the R5 zoning as DP&I believed this change was a mapping error. It may be appropriate to retain the exhibited zone at this stage considering the advice from DP&I and the future Planning Proposal for this site.

Council has resolved to not consider the Planning Proposal until after the adoption of SLEP 2013. The subsequent zoning of the land will be considered at this time via the future Planning Proposal.

Recommendation:
Receive for information.


The Goodsell grave sites, which are within the site, should be included in Schedule 5 of the SLEP 2013 due to its significant history. Requested that this site be subject to Clause 5.10 of the draft SLEP 2013.

Council received 5 submissions in this regard. The Goodsell graves located at Lot 2 DP 1161638, Manyana were considered for inclusion on the Heritage Schedule of Shoalhaven LEP 1985 as part of the Heritage LEP which was gazetted in 2007. The graves were not included on the Heritage Schedule based on concerns raised by the landowner.

Council again considered the possible listing following the 2011 exhibition and submissions received. It was resolved to list the item subject to landowner agreement. This was not received, given that the landowner was uncertain what the impacts of listing would be.

Council could reconsider listing the subject graves as a heritage item to ensure their longer term protection consistent with the Shoalhaven Heritage Study. However, given that the LEP was exhibited without the Goodsell graves listed, it is considered more

Submission Issues	Comment & Recommendation
	<p>appropriate that this issue be dealt with as part of a planning proposal over the site.</p> <p><u>Recommendation:</u> Pursue the listing of the Goodsell grave sites located at Lot 2 DP 1161638, Manyana as part of any future Planning Proposal over the site.</p>
<p>Six (6) submissions requested that the proposed B2 Local Centre zoning should be changed to B1 Neighbourhood Centre to ensure that development is of a scale and type compatible with the character of the surrounding residential environment.</p> <p>The B1 zone is consistent with similar developments in other coastal villages.</p>	<p>The land is currently zoned Business 3(f) (Village) in LEP 1985. Under the Standard LEP Instrument, there is no 'village' business zone. In the preparation of the draft LEP, B2 was established as the 'best fit' transfer for Business 3(f) (Village).</p> <p>Council may however wish to consider changing the zone from B2 to B1 to better reflect the size and scale of the retail zone in this location. This however, reduce the range of future permissible uses for this centre. It is noted that the owner of this site did not make a submission to the draft LEP and as such may perceive disadvantage by a change of this nature at this time.</p> <p>The land was exhibited as a best fit transfer as B2. Given the landowner has not had an opportunity to comment on a potential B1 zone, it is considered appropriate to maintain the B2 zone as exhibited.</p> <p><u>Recommendation:</u> Receive these submissions for information</p>
<p>NSW Office of Environment and Heritage (OEH) strongly supports the W1 zone for Berringer Lake. One individual submission also supported the W1 zone for Berringer Lake.</p>	<p>Comments noted.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Supports exhibited change for Berringer village from RU5 to R2 as per surrounding villages</p>	<p>Comments noted.</p> <p><u>Recommendation:</u> Receive for information.</p>

Submission Issues	Comment & Recommendation
<p>OEH in conjunction with NSW Crown Lands Division support the E2 zoning over Green Island.</p> <p>One individual submission supported the change from E3 to E2 for Green Island.</p>	<p>Comments noted.</p> <p><u>Recommendation:</u> Receive submission or information.</p>
<p>Red Head Villages Association recommends that the proposed zoning of Lot 7 DP111567, 7 Alaska Street Cunjurong Point as B2 is inappropriate and that Lot 7 should be zoned R2 as per the transfer from the existing 2(a1). This lot has previously been a general store with petrol outlet and has also been utilised as a take-away shop and cafe. The zoning of B2 is inappropriate as it places the lot on the same level as the proposed major shopping centre on the corner of Inyadda Drive and Curvers Drive. B2 zoning provides access to other uses such as registered clubs and restricted premises.</p> <p>2 individual submission also requested that Cunjurong point shop be zoned R2 as per surrounding residential land and consistent with the Bendalong shop as the petrol pump has been decommissioned and removed.</p> 	<p>Council resolved to change this site from R2 to B2 in line with the landowner request and in accordance with the adopted ground rules to recognise the existing business use of this site. To alleviate some of the concerns raised in submissions and to retain the coastal village character, it may be appropriate to change the zone to B1 Neighbourhood Centre. This will reduce the number of permissible commercial uses for this site while still permitting and recognising the existing use of the property. Council could also consider reverting to the draft SLEP 2009 exhibited R2 zone and include an allowance clause to permit 'shops' as a permissible use for the site.</p> <p><u>Recommendation:</u> Amend the zoning of Lot 7 DP111567, 7 Alaska Street Cunjurong Point to B1 Neighbourhood Centre.</p>
<p>Supports all of the changes made to Berringer Lake and surrounds, as per "Post 2011 Exhibition Changes" numbers 143-152.</p>	<p>Comments noted.</p> <p><u>Recommendation:</u> Receive for information.</p>

Options 12.2

Option 1

Support the recommendations outlined in Table 12.2 and amend draft SLEP 2013 accordingly.

Option 2

Receive all the submission issues outlined in Table 12.2 for information.

Recommendation 12.2:

- a) **Receive various submissions regarding North Bendalong, Bendalong, Manyana, Berringer Lake and Cunjurong Point for information;**
- b) **Retain the exhibited zoning of Crown Land at North Bendalong;**
- c) **Retain the exhibited zoning of Kylor land being Lot 2 DP 1161638, Lot 106 DP 755923 and Lot 2 DP 1121854 as exhibited in SLEP 2013 and include the current LEP 1985 30m building lines in the Citywide DCP;**
- d) **Pursue the listing of the Goodsell grave sites located at Lot 2 DP 1161638, Manyana as part of any future Planning Proposal over the site; and,**
- e) **Amend the zoning of Lot 7 DP 111567, 7 Alaska Street Cunjurong Point to B1 Neighbourhood Centre.**

Issue 12.3: Fishermans Paradise and Lake Conjola

Four (4) submissions were received in regard to, Fishermans Paradise and Lake Conjola and are summarised in Table 12.3 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.


Number of Submissions- Fishermans Paradise and Lake Conjola

Type	Number
Individual	2
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	2
Internal	0
Total	4

Key Issues- Fishermans Paradise and Lake Conjola

Table 12.3- Summary of Submissions Issues, Comments and Recommendations

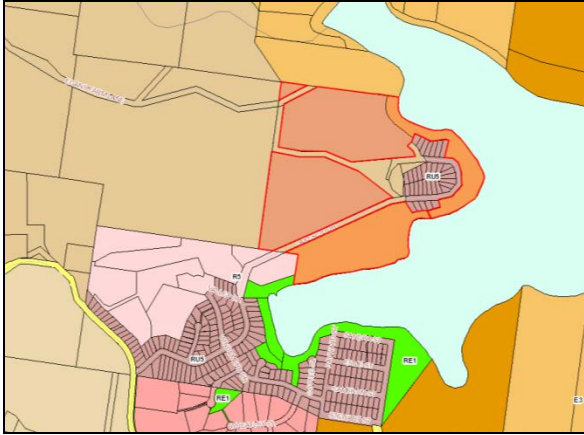
Submission Issues	Comment & Recommendation
Conjola District Lakecare Association and One(1) individual submission requested the property known as "Killarney" (Lot 372 DP 1125806) and the adjacent Crown lot (Lot 7015 DP 1055179) be zoned to E3 to achieve a better planning and environmental outcome for the area.	Lot 372 DP 1125806, 437 Lake Conjola Entrance Road (property known as Killarney) is privately owned and is currently controlled by the Interim Development Order (IDO) 'Village' zone as the zoning of Lake Conjola was deferred from SLEP 1985. As such it was shown as a proposed RU5 zone. Changing it to E3 could represent a

Submission Issues	Comment & Recommendation
	<p>down zoning and would be inconsistent with the ground rules.</p> <p>A submission was not received from the Crown Land Division regarding Lot 7015 DP 1055179 and therefore the Crown's intentions for this property are unknown.</p> <p>It is also noted that the issue of effluent disposal and the possible capacity of the Conjola Sewerage Scheme could determine the ultimate development outcome for both sites.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Requests that their property at 37 Carroll Avenue, Lake Conjola be delisted as a heritage item. Was not listed in 1997 when originally purchased. Would like to demolish and build a new home to retire to. Were unaware that their property was heritage listed as no documentation was sent to them. The dwelling has dry rot, is built of Asbestos and the foundations are sinking. Plan always was to demolish it and now they are not able to.</p> 	<p>The heritage listing of this property occurred as a result of the Shoalhaven Heritage Study 2003 and it was listed on 13 April 2007 via SLEP 1985 Amendment No.212.</p> <p>The property contains one of eight Trehearne Holiday Resort Cabins which is an original fibro fisherman's cottage dating from the first resort development in 1920s. After the adoption of the Shoalhaven Heritage Study, landowners were given the opportunity to write to Council if they did not wish for their property to be heritage listed. It appears that the 7 other owners of the Trehearne Holiday Cabins requested that their property not be listed, but the subjects landowner may not have.</p> <p>The justification provided in this submission may not warrant removal of this Heritage Item. Any future development proposal, including possible demolition if its condition is such that it cannot be retained will be assessed against Clause 5.10 – Heritage Conservation in the LEP and the significance of the heritage item will be taken into account.</p> <p>However, it is noted that the cohesion</p>

Submission Issues	Comment & Recommendation
	<p>of the group is compromised by individual insensitive 'modernisations' and it is possibly unreasonable to enforce Heritage Protection on this one remaining cabin. Preliminary Heritage Advice has suggested that this property is not a significant example of this style of building and the reasons for heritage listing are not obvious without the cohesion of the group. It is noted that a detailed heritage assessment has not been undertaken for this site.</p> <p>Council generally has three options as detailed below:</p> <p><u>Option 1:</u> Retain the Heritage Listing of Lot 41 DP 221956, 37 Carroll Avenue, Lake Conjola as exhibited.</p> <p><u>Option 2:</u> Remove the Heritage Listing from Lot 41 DP 221956, 37 Carroll Avenue, Lake Conjola.</p> <p><u>Option 3:</u> Council not support the removal request at this stage and add the Heritage Listing of Lot 41 DP 221956, 37 Carroll Avenue, Lake Conjola to the matters for consideration/review following the completion of SLEP 2013.</p> <p><u>Recommendation:</u> Adopt Option 1, 2 or 3.</p>
<p>Jerrinja Local Aboriginal Council requested that Lot 489 DP 1091958 be rezoned from part E3 and part RU2 to RE2 to allow Eco-Tourist Facilities.</p>	<p>The requested change from the exhibited RU2/E3 to RE2 zoning represents a significant change in this location as it would provide for a wide range of permitted uses for which there is limited justification in the submission. 'Eco-Tourist Facilities' are currently permitted in the RU2 zone. Section A – Item No. 3 of this report also discussed the permissibility of 'Eco-Tourist Facilities' in the E3 zone.</p>

Submission Issues

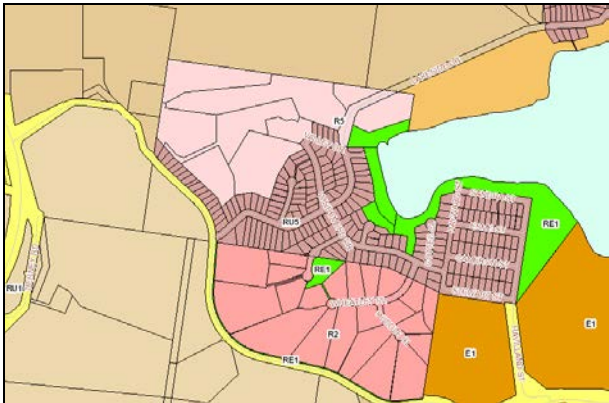
Comment & Recommendation



Should the Land Council wish to pursue the zoning of that part of the lot zoned E3 further then it could be separately considered following completion of the LEP.

Recommendation:
Receive for information.

Consideration should be given to rezoning the R5 Large Lot Residential land in Conjola Park to RU5 Village.



The R5 zone at Conjola Park represents a 'best fit' transfer from the current Rural 1(c) Special Rural Lifestyle zoning in Shoalhaven LEP 1985. No justification is provided in this submission. A change from R5 to RU5 is not appropriate at this stage in the finalisation of the LEP and this land is not identified in any Council endorsed strategy.

Recommendation:
Receive for information.

Lot 1 DP 119779 (60 Alma Ave, Fisherman's Paradise) is zoned inappropriately. The RU2 should be E2 as it is a vital wildlife habitat area and right next door to residential living.



The subject land is privately owned and it is unreasonable to the owner of the property to rezone the land from RU2 to E2. The property is currently zoned Rural 1(d) general and the exhibited RU2 represents a "best fit" transfer. A large portion of the site is identified as 'Sensitive Area – Habitat Corridors' on the Natural Resource – Biodiversity overlay.

Recommendation:
Receive for information.

Believes it is imperative that the trees and native vegetation that lines Fishermans Paradise Road and the adjoining Alma Avenue, which have ecologically important

It is believed this submission refers to private properties at Fishermans Paradise and/or vegetation within the Council Road Reserve. It is

Submission Issues	Comment & Recommendation
purposes for the bird life in this village should be zoned as E2.	<p>unreasonable to landowners and for Council Infrastructure purposes to rezone this land to E2 given it is currently zoned Rural 1(b) and Rural 1(d).</p> <p><u>Recommendation:</u> Receive for information.</p>

Option 12.3

Option 1

Support the recommendations outlined in Table 12.3, and consider the options below regarding the Heritage Listing of Lot 41 DP 221956, 37 Carroll Avenue, Lake Conjola and amend the draft SLEP 2013 accordingly.

Option 1:

Retain the Heritage Listing of Lot 41 DP 221956, 37 Carroll Avenue, Lake Conjola as exhibited.

Option 2:

Remove the Heritage Listing from Lot 41 DP 221956, 37 Carroll Avenue, Lake Conjola.

Option 3:

Not support the removal request at this stage and add the Heritage Listing of Lot 41 DP 221956, 37 Carroll Avenue, Lake Conjola to the matters for consideration/review following the completion of SLEP 2013.

Option 2

Receive the submission issues outlined in Table 12.3 for information.

Recommendation 12.3:

- a) **Receive the submissions regarding Fishermans Paradise and Lake Conjola for information; and**
- b) **Adopt Option 1, 2 or 3 regarding the Heritage Listing of Lot 41 DP 221956, 37 Carroll Avenue, Lake Conjola.**

Issue 12.4: Milton, Mollymook and Ulladulla

Six (6) submissions were received in regard to, Milton, Mollymook and Ulladulla and are summarised in Table 12.4 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

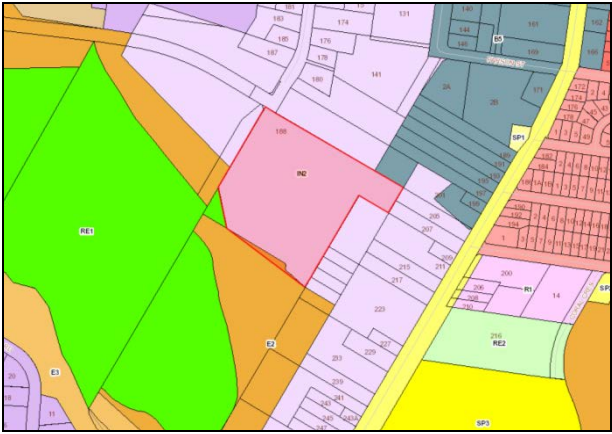
Number of Submissions- Milton, Mollymook and Ulladulla

Type	Number
Individual	2
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	2
Internal	1
Total	5

Key Issues- Milton, Mollymook and Ulladulla

Table 12.4- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comment & Recommendation
Internal – Economic Development Supports the inclusion in Schedule 1 Use of certain land – Lot 1 DP 531751, 13 Wilfords Lane, Milton. This change supports a site used for many years for concrete batching.	Comments noted. <u>Recommendation:</u> Receive for information.
Ulladulla and Districts Community Forum and 2 individuals requested that the zoning of Bannisters Resort - Lot 27 DP 224117, 191 Mitchell Parade Mollymook be amended from B4 Mixed Use to SP3 Tourism, as per the staff recommendation in 2011 in order to protect the tourist nature of the existing development and the current low-key amenity of the residential neighbourhood, particularly in the interests of the residents in this supposed quiet nearby neighbourhood, who are already often troubled by excess noise and traffic issues related to the premises.	The B4 mixed use zone is one of the two 'best-fit' transfer zones from the current 3(g) zone in LEP 1985. The request to change the zoning of the site from B4 to SP3 has merit because it better reflects the current ongoing tourism related use of the site. Clause 7.4 - (permanent occupation of tourist and visitor accommodation) of the draft SLEP 2009 also applies to site. It is noted that the landowner did not make a submission. There are two options to address this issue at this point in the LEP process. There are: <u>Option 1</u> Retain the exhibited B4 Mixed Use zoning of Bannisters Resort - Lot 27 DP 224117, 191 Mitchell Parade, Mollymook Beach. <u>Option 2</u> Amend the zoning of Bannisters Resort - Lot 27 DP 224117, 191 Mitchell Parade, Mollymook Beach to SP3 Tourist should the landowner be agreeable to the zone change.

Submission Issues	Comment & Recommendation
	<p><u>Recommendation</u> Adopt Option 1 or 2 regarding the zoning of Bannisters Resort - Lot 27 DP 224117, 191 Mitchell Parade, Mollymook Beach.</p>
<p>The Community Groups Ulladulla and Districts Community Forum and Shoalhaven Business Chamber - Milton Ulladulla Region, Council's Economic Development section, the proponent - Ulladulla Aquaculture, Research and Recreation Centre (ARRC) and one individual requested that the Schedule 1 inclusion for Lot 1 DP 1137716 188 Camden Street, Ulladulla - be amended to read "Development for the purpose of pond based and tank based aquaculture and ancillary educational, research and recreational activities linked to the major use of aquaculture." This is necessary to ensure the concept for the original Future Park, now known as Ulladulla ARRC can be fully realised.</p>  <p>The reason for this proposal is that the current wording "for the purpose of aquaculture" technically only covers roofed aquaculture infrastructure.</p> <p>The proposed aquaculture venture at the Future Park site in Camden Street involves using the old sewerage treatment open air ponds. Requiring roofing of these ponds would add unexpected costs to the venture, possibly risking its viability.</p>	<p>Council owns this parcel of land and has provided support to this proposal.</p> <p>This request is simply refining an agreed provision in the draft SLEP 2013 to enable unroofed aquaculture infrastructure. This refinement will ensure that Schedule 1 covers the range of intended uses for this site. There is no need to specifically reference ancillary educational, research and recreational activities as these would by virtue of the overall proposal permissibility also be approvable as ancillary activities.</p> <p>This matter has been discussed with DP&I and it was agreed that all that is needed is the addition of the following words "including pond based".</p> <p><u>Recommendation:</u> Amend Schedule 1 Clause 1.14(2) – Use of certain land – 188 Camden Street, Ulladulla being Lot 1 DP 1137716 to read "Development for the purpose of aquaculture including pond based".</p>

Submission Issues	Comment & Recommendation
<p>Ulladulla and Districts Community Forum were disappointed that only 1 of the 17 recommendations made in their submission to the Draft SLEP 2009 was adopted, and this related to recognising an existing use.</p> <p>It is acknowledged that several proposed changes have since been made in the second draft which will improve outcomes of environmental protection, rural living, protection of agricultural land, building heights in some villages and heritage items.</p>	<p>Comments noted.</p> <p><u>Recommendation:</u> Receive for information.</p>

Option 12.4:

Option 1

That Council support the recommendations outlined in Table 12.4, and consider the options presented regarding Bannisters Resort and amend the draft SLEP 2013 accordingly.

Bannisters Resort

Option 1

Retain the exhibited B4 Mixed Use zoning of Bannisters Resort - Lot 27 DP 224117, 191 Mitchell Parade, Mollymook Beach.

Option 2

Amend the zoning of Bannisters Resort - Lot 27 DP 224117, 191 Mitchell Parade, Mollymook Beach to SP3 Tourist should the landowner be agreeable to the change of zone.

Option 2

Receive the submission issues outlined in Table 12.4 for information.

Recommendation 12.4:

- a) ***Receive various submissions regarding Milton, Mollymook and Ulladulla for information;***
- b) ***Adopt Option 1 or 2 regarding the zoning of Bannisters Resort - Lot 27 DP 224117, 191 Mitchell Parade, Mollymook Beach;***
- c) ***Amend Schedule 1 Clause 1.14(2) – Use of certain land – 188 Camden Street, Ulladulla being Lot 1 DP 1137716 to read "Development for the purpose of aquaculture including pond based"***

Issue 12.5: Burrill Lake, Dolphin Point and Lake Tabourie

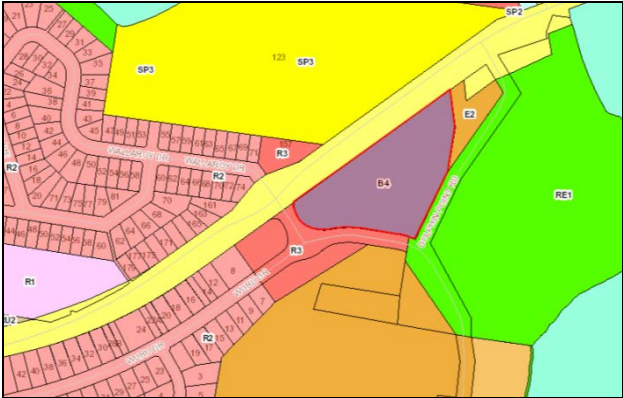
One (1) submission was received in regard to, Burrill Lake, Dolphin Point and Lake Tabourie and are summarised in Table 12.5 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

Number of Submissions- Burrill Lake, Dolphin Point and Lake Tabourie

Type	Number
Individual	1
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	1

Key Issues- Burrill Lake, Dolphin Point and Lake Tabourie

Table 12.5- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comment & Recommendation
<p>One(1) submission received on behalf of the owners of Lots 5, 6 & 7 DP 1123774 Dolphin Point Road, Burrill Lake. Submission relates to Lot 7 DP 1123774.</p>  <p>Recommended that the B4 zone be retained, but Clause 7.4 be removed from Lot 7.</p> <p>A submission was made in regard to the land in October 2011 and Council supported part of the objection in relation to Lots 5 and 6 DP 112374. The subject Lot 7 is currently 3(g) and is proposed to be zoned B4. Clause 20B of SLEP1985 and Clause 7.4 of</p>	<p>Council previously considered this request following the exhibition of draft SLEP 2009 and resolved as follows on 17 April 2012:</p> <p><i>“RECOMMENDATION NO. 60 That in regard to Lots 5 - 7 DP 1123774 Dolphin Point Road Burrill Lake Council: a) Support the request, remove Lots 5 & 6 from Clause 7.4 and advise the proponent of Council’s intention to also change the zoning of the lots to R3 Medium Density; b) Retain the existing proposed provisions over Lot 7 because of the need to maintain the strategic intent of Clause 7.4 for the future.”</i></p> <p>The clause controlling permanent occupation of certain tourist zones in the Milton-Ulladulla area was introduced into the LEP as a result of the Milton Ulladulla Structure Plan and the desire to protect certain key tourist sites for the future. The clause referred to restricts permanent occupation to 25% of any units provided. This provision is still</p>

Submission Issues	Comment & Recommendation
SLEP2013 limits permanent occupancy on the site to 25%. This limits the site almost solely to a tourist development and is at odds with the zone objectives.	broadly supported and its retention has merit. <u>Recommendation:</u> Receive for information.

Recommendation 12.5:

Receive the submissions regarding Lot 7 DP 1123774 Burrill Lake, for information.

Issue 12.6 Bawley Point and Kioloa

Three (3) submissions were received in regard to, Bawley Point and Kioloa and are summarised in Table 12.6 below. This excludes submissions that have been addressed in other sections of the report including those related to: rezoning requests, environmental overlays, land use table and height of buildings.

Number of Submissions- Bawley Point and Kioloa

Type	Number
Individual	1
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	2

Key Issues- Bawley Point and Kioloa

Table 12.6- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comment & Recommendation
Bawley Point Kioloa Community Association raised Kioloa waste transfer station is located in a zone in which it will be prohibited.	The Kioloa Waste Depot located at 374 Murramarang Road is zoned RU2 Rural Landscape. Waste or resource transfer stations are permitted with consent in the RU2 Rural Landscape under the State Environmental Planning Policy (Infrastructure) 2007. <u>Recommendation:</u> Receive for information.
One individual submission raised Crown land on the corner of Murramarang Road and Thrush Street should continue to have provision for the future intended use of a	Educational Establishments are permissible in the RU5 zone. Therefore the provision is still available if the Crown Lands Division and Department

Submission Issues	Comment & Recommendation
public school.	of Education & Communities still wish to propose a school in Bawley Point in the future. <u>Recommendation:</u> Receive for information.

Recommendation 12.6:

Receive various submissions regarding Bawley Point and Kioloa for information

SECTION 13 - REMAINING STATE GOVERNMENT AGENCY COMMENTS AND STAFF IDENTIFIED ANOMALIES/ISSUES

Issue 13.1: NSW Office of Environment and Heritage (OEH) comments - support for changes

OEH supported a number of changes made to the draft LEP after the initial exhibition. This is outlined in the table below.

Table 13.1 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
Exclusion of dwellings from the existing 7(d2) zone.	These comments of support are noted. <u>Recommendation</u> Receive for information.
New map overlay for Coastal Risk Planning and application of coastal hazards mapping at Narrawallee.	
Addition of STP buffers to the Buffers Map.	
Inclusion of recent amendments to SLEP 1985.	
Change of zoning for the middle reaches of Currumbene Creek adjacent to SEPP 14 wetlands from W2 to W1.	
Change of the RE1 Public Recreation and R3 Medium Density zoning of Lot 7300 DP 1153675 - Crown Land at Waratah Avenue, Cudmirrah/Berrara to R2 Low Density Residential and change the R3 Medium Density zoning of Lot 1 DP 720934 (33 Waratah Road) and Lot 2 DP 720934 (35 Waratah Road) to R2 Low Density Residential.	
Change of the areas of Swan Lake identified as	

Submission Issue	Comment & Recommendation
<p>“area of ecological sensitivity” in LEP 1985 to W1 Natural Waterways and retain the W2 Recreational Waterway zoning of the Swan Lake inlet.</p>	
<p>Change of zone – zoning Berringer Lake W1 Natural Waterway consistent with the Special Development Committee Recommendations of 31 May 2012.</p>	
<p>Change of zone – Zoning the whole of Lake Conjola W1.</p>	
<p>Change of zone and water mapping – Willinga Lake, Bawley Point.</p>	
<p>Application of E1 zone at Lot 52 DP 1083628 & Lot 62 DP 1128646, Coolangatta Mountain (Cullunghutti Aboriginal Area).</p>	
<p>Change of Lot 118 DP 45810, Greens Road, Greenwell Point to E2 and addition to Schedule 1 (oyster depot).</p>	
<p>Lot 1 DP 1130415, Isa Road Worrigeo – decision to rezone the subject land to R3.</p>	
<p>Lot 121 DP 1119449, Old Southern Road, South Nowra No objection to change to NRS Biodiversity Map - the lot has been cleared as part of an approved subdivision.</p>	
<p>Lot 50 DP 845277, BTU Road, Nowra Hill No objection to change to NRS Biodiversity Map – The Council minute provides justification for biodiversity overlay removal.</p>	
<p>Lots 62, 63, 80, 81 & 90 DP 755971 Culburra Road, Culburra Beach Correction of mapping error and change of zone from RU1 to RU2.</p>	
<p>Lot 23 DP 755965, 142 Blackbutt Range Road, Tomerong Change to the NRS Biodiversity overlay - overlay has been removed as the land is cleared.</p>	

Submission Issue	Comment & Recommendation
Lot 24 DP 27814 & Part Lot 9289 Sunnyside Avenue, Woollamia Change of zone from RU2 to E2.	
Lot 15 DP 1002772 Sealark Road, Callala Bay. Change of zone from E3 to R2 over small part of lot to the south of existing road (Monarch Place) - appears minor alteration.	
Lot 1025 DP 125724 Catherine Street, Myola Change of zone from E1 to E2.	
Lots 182 & 183 DP 47961, Sepulchre & Garden Islands, St Georges Basin Change of zone from RE1 to E2.	
Part Lot 101 DP 755937 (Por 101) The Springs Road, Swanhaven Change of zone from E3 to E2.	
Lot 1 DP 554118 The Springs Road, Swanhaven Change of zone from E2 to E3. E2 is a more appropriate zone, however concurs with Crown Lands that the exhibited E3 zone should be applied.	
Lot 10 DP 1103995, 331 Princes Highway, Milton Change of zone from RU1 to RU2.	


Recommendation 13.1

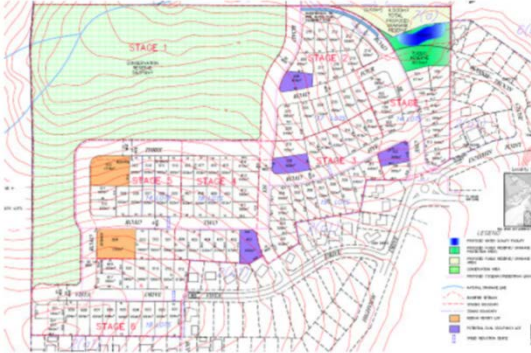
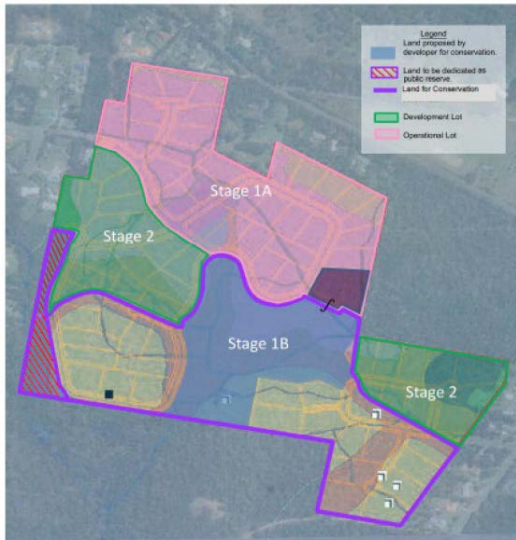
Receive the comments of support for changes made to the draft LEP 2013 in the OEH submission for information.

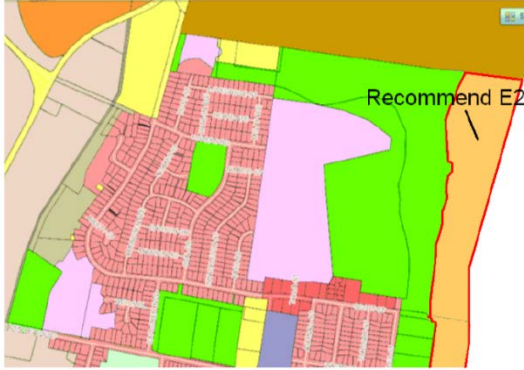

Issue 13.2: OEH Remaining Comments – Requested Changes

Table 13.2 - Summary of Submissions Issues, Comments and Recommendations


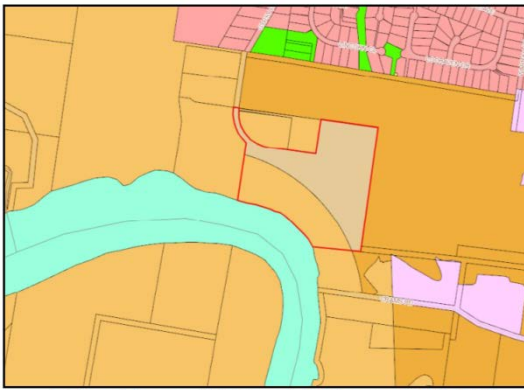
Submission Issue	Comment & Recommendation
Application of the E1 zone. Council should satisfy itself that the boundaries of the E1 zone in the final LEP accurately reflect the boundaries of National Parks and	This comment is noted. Through the process we have consistently sought comment from OEH on their ownership. As we become aware of relevant changes the E1 zone will be adjusted.


Submission Issue	Comment & Recommendation
<p>Nature Reserves.</p> <p>Refer specifically to the following properties:</p> <ul style="list-style-type: none"> • Por 19 DP 755924 Nerriga Crown Land Douglas Paddock - proposed E1 and currently zoned 8 National Park. Has agreed to a RU2 zoning with Crown Lands. • Lot 7310 DP 1164768 Dolphin Point - proposed E1 currently 7(f1) Environmental Coastal Land Protection. • Princes Highway Termeil South Brooman No. 830 - State Forest that should be National Park is 18 Mile Peg Road addition to Murramarang NP currently shown as RU3 State Forest but should be E1 National Park. 	<p><u>Recommendation</u></p> <p>a) Revise the boundaries of the E1 zone in the final LEP to accurately reflect the boundaries of National Parks and Nature Reserves.</p> <p>b) Amend the zoning of the following parcels of land:</p> <ul style="list-style-type: none"> • Por 19 DP 755924 Nerriga Crown Land - Douglas Paddock change from E1 to RU2. • Lot 7310 DP 1164768 Dolphin Point change from E1 to E2. • Princes Hwy Termeil South Brooman No. 830 - State Forest change from RU3 to E1.
<p>Lots 2 & 3 DP 8362 Erowal Bay Road, Erowal Bay</p>  <p>The land is to be zoned E1 National Park and should be identified on the acquisition map. Writing to the landowners confirming the land is required for National Park purposes.</p>	<p>This comment is noted and the acquisition map needs to be amended accordingly.</p> <p><u>Recommendation</u> Amend the Land Reservation Acquisition Map to identify Lots 2 & 3 DP 8362 Erowal Bay Rd, Erowal Bay as 'National Park'.</p>

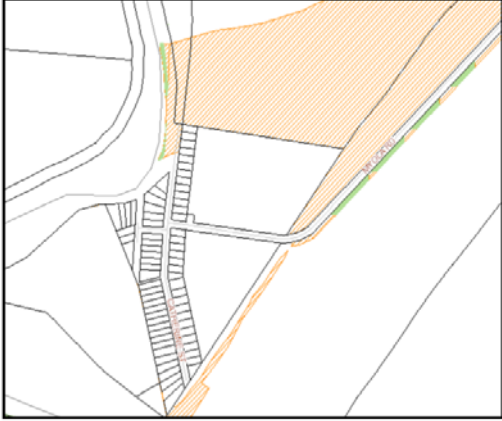

Submission Issue	Comment & Recommendation
<p>Lot 171 DP 1081810 Highview Drive, Dolphin Point</p>  <p>Major Project 05_0024 has been determined by DP&I. The determination included a condition requiring the creation of a conservation reserve to protect threatened species habitat in perpetuity. This should be zoned E2, and is shown on the map in blue.</p>	<p>This comment is noted and it is appropriate to now show the affected land as E2. The determination for this project was on 8 August 2009. The proponent has 5 years from this date to commence works. It may be necessary to contact the landowner to comment on changing the zone.</p> <p><u>Recommendation</u> Zone the area set aside for conservation on Lot 171 DP 1081810, Highview Drive, Dolphin Point to E2 Environmental Conservation as per the Determination of MP05_0024 following concurrence with landowner.</p>
<p>Lot 1433 DP1008407 Tallimba Road, Bangalee</p>  <p>OEH has issued a concurrence for Council's consent to a subdivision application for the subject land. This consent required the setting aside of a Conservation Area, and should be zoned E2 to reflect the consent.</p>	<p>This comment is noted. The consent for this site has recently been issued.</p> <p><u>Recommendation</u> Zone the area set aside for conservation as per the subdivision consent on Lot 1433 DP 1008407 Tallimba Road, Bangalee be zoned E2 Environmental Conservation.</p>
<p>Lot 7302 DP 1166566 & Lot 7010 DP 1035145, 165 Scott Street Shoalhaven Heads (Crown Land)</p>	<p>The E3 zone was applied to part Lot 7302 DP 1166566 Scott Street Shoalhaven Heads as a "best fit transfer"</p>

Submission Issue	Comment & Recommendation
<p data-bbox="225 237 746 273">Part Shoalhaven Heads Golf Course</p>  <p data-bbox="236 685 619 712">Map 1 – recommended E2 zone.</p>  <p data-bbox="236 1104 746 1131">Map 2 – recommended biodiversity overlay</p> <p data-bbox="225 1146 751 1402">Does not support the E3 zoning of the subject land, as it contains a significant extent of Bangalay Sand Forest. Any residential development will be likely to have a major impact on this EEC, and on potentially a number of threatened species.</p> <p data-bbox="225 1440 751 1839">The E2 zone would better reflect the features and values of the site; however OEH understands Crown Land does not support this zone and as such, OEH strongly recommends the Biodiversity Overlay be applied to the site for further protection and to reflect the OEH concurrence for a Species Impact Statement with the managers of the Golf Course and Crown Lands.</p>	<p data-bbox="778 237 1378 304">and was exhibited as E3 in both draft SLEP 2009 and draft SLEP 2013.</p> <p data-bbox="778 342 1378 490">In their submission OEH requests that the exhibited E3 zone be zoned E2 to cover the existing coastal dune systems prevent possible future development.</p> <p data-bbox="778 528 1378 707"><i>Note: the exhibited boundary of the E3 zone has changed since the initial exhibition based on revised mapping data supplied to Council from Crown Lands.</i></p> <p data-bbox="778 745 1378 925">In addition, part of Council’s resolution MIN12.631 following draft SLEP 2009 exhibition was to remove the biodiversity overlay on Lot 7010 DP 1035145, Scott Street Shoalhaven Heads</p> <p data-bbox="778 963 1378 1142">OEH requests that a revised biodiversity overlay as recommended by OEH be reinstated to reflect areas required to be protected as part of the golf course determination and OEH concurrence.</p> <p data-bbox="778 1180 1378 1256">Essentially there are 4 options to resolve this issue:</p> <p data-bbox="778 1294 1378 1550"><u>Option 1:</u> Receive for information and retain the exhibited E3 zone over part of Lot 7302 DP 1166566 Scott Street Shoalhaven Heads and removal of biodiversity overlay as per Council’s resolution MIN12.631.</p> <p data-bbox="778 1588 1378 1803"><u>Option 2:</u> Change the zone boundary to reflect the <i>initial</i> exhibited E3 zone over part of Lot 7302 DP 1166566 Scott Street Shoalhaven Heads to E2 Environmental Conservation.</p> <p data-bbox="778 1841 1378 2020"><u>Option 3:</u> Reinstate a revised biodiversity overlay recommended by OEH over Lot 7302 DP 1166566 & Lot 7010 DP 1035145, 165 Scott Street Shoalhaven Heads.</p>

Submission Issue	Comment & Recommendation
	<p><u>Option 4:</u> Change the zone boundary to reflect the <i>initial</i> exhibited E3 zone over part of Lot 7302 DP 1166566 Scott Street Shoalhaven Heads to E2 Environmental Conservation and reinstate a revised biodiversity overlay as recommended by OEH over Lot 7302 DP 1166566 & Lot 7010 DP 1035145, 165 Scott Street Shoalhaven Heads.</p> <p><u>Recommendation</u> Adopt either Option 1, 2, 3 or 4 regarding Lot 7302 DP 1166566 & Lot 7010 DP 1035145, 165 Scott Street Shoalhaven Heads.</p>
<p>Flood Planning Map updates for Broughton Creek, Bomaderry Creek and Lower Shoalhaven River.</p> <p>The text indicates “<i>This means that the Flood Planning Area Map for Berry has been amended to ensure that it is consistent with the adopted Broughton Creek Flood Study. This can be seen on the maps below.</i>”</p> <p>The Extract from the 2011 exhibition map looks consistent with the flood study modeling, while the Extract from the 2013 exhibition map looks consistent with the floodplain risk management study modeling, which appears to contradict the text. The text is confusing as there is only one map so it is unclear how the existing, 2050 & 2100 extents are all mapped and it is not clear whether freeboard has been applied to determine the FPL & FPA. This should be rectified.</p>	<p>This comment refers to text in an explanatory document and is not relevant to draft LEP itself.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Lot 7313 DP 1153421 Former North Nowra Tip</p>	<p>The access road forms part of the lot which is owned by Crown Lands and does not form part of the Regional Park. Should the access location be relocated in the future via a separate process, the LEP could be amended at that time.</p> <p><u>Recommendation</u></p>

Submission Issue	Comment & Recommendation
 <p>Extract from 2013 exhibition map (LZN)</p> <p>While no objection is raised to RE1 zoning, it would be preferable for future access to the tip site to be located south of the regional park and for the current trail to be rehabilitated. The access road easement should be shown accordingly.</p> <p>Requests that the access road (also zoned RE1) for the site be located south of the Regional Park.</p>	<p>Receive for information.</p>
<p>Lot 11 DP 804611 102 Gypsy Point Road, Bangalee</p>  <p>Extract from 2013 exhibition map (LZN)</p> <p>Strongly objects to this decision which is inconsistent with the adopted Nowra Bomaderry Structure Plan which shows this lands as “conservation”. This site has high conservation values, similar to the adjacent Crams Road site. Request that this site be zoned E3 in the LEP.</p>	<p>This comment is supported as this site is highly vegetated and was identified in the Nowra-Bomaderry Structure Plan under Biodiversity Recommendation 4: As Spotted Gum <i>Eucalyptus maculata</i> forest, these forests “<i>have been extensively cleared from the shale soils in the Nowra district; the conservation reserves in the region contain virtually none of this forest type. Substantial stands should be reserved in the Nowra area, preferably containing all four communities dominated by Spotted Gum</i>”. This property was shown as an E3 zone in the 2011 exhibition and was subsequently changed to RU2 as a result of a submission from the land owner.</p> <p><u>Option 1:</u> Change the RU2 zone of Lot 11 DP 804611 102 Gypsy Point Road, Bangalee back to E3 Environmental Management.</p>
	<p><u>Option 2:</u></p>

Submission Issue	Comment & Recommendation
	<p>Receive for information and retain RU2 zoning of Lot 11 DP 804611 102 Gypsy Point Road, Bangalee as exhibited</p> <p><u>Recommendation</u> Change the RU2 zone of Lot 11 DP 804611 102 Gypsy Point Road, Bangalee back to E3 Environmental Management.</p>
<p>Lot 11 DP 804611 102 Gypsy Point Road, Bangalee</p>  <p>Extract from 2013 exhibition map (LZN)</p> <p>Strongly objects to this decision which is inconsistent with the adopted Nowra Bomaderry Structure Plan which shows this lands as "conservation". This site has high conservation values, similar to the adjacent Crams Road site. Request that this site be zoned E3 in the LEP.</p>	<p>This comment is supported as this site is highly vegetated and was identified in the Nowra-Bomaderry Structure Plan under Biodiversity Recommendation 4: As Spotted Gum <i>Eucalyptus maculata</i> forest, these forests "have been extensively cleared from the shale soils in the Nowra district; the conservation reserves in the region contain virtually none of this forest type. Substantial stands should be reserved in the Nowra area, preferably containing all four communities dominated by Spotted Gum". This property was shown as an E3 zone in the 2011 exhibition and was subsequently changed to RU2 as a result of a submission from the land owner.</p> <p><u>Option 1:</u> Change the RU2 zone of Lot 11 DP 804611 102 Gypsy Point Road, Bangalee back to E3 Environmental Management.</p> <p><u>Option 2:</u> Receive for information and retain RU2 zoning of Lot 11 DP 804611 102 Gypsy Point Road, Bangalee as exhibited</p> <p><u>Recommendation</u> Change the RU2 zone of Lot 11 DP 804611 102 Gypsy Point Road, Bangalee back to E3 Environmental Management.</p>
<p>Lot 1 DP 714002 114 Myola Road, Myola</p>	<p>The vegetation around the property appears to be Bangalay Sand Forest (EEC) but Council does not have any information about the vegetation on the subject land. The dwelling was approved in 1988 and it is doubtful that the land was ever assessed for environmental</p>

Submission Issue	Comment & Recommendation
 <p data-bbox="225 669 743 770">Extract from 2013 exhibition map (NRB) Objects to the removal of the NRS Biodiversity overlay from the site.</p>	<p data-bbox="775 237 1375 271">value.</p> <p data-bbox="775 309 1375 454">The 2011 exhibition showed parts of this property on the NRS Biodiversity overlay. Following a submission from the owner the overlay was removed.</p> <p data-bbox="775 492 1375 781">Council should consider retaining the Biodiversity overlay so that any further development of this lot is undertaken with consideration of the significance of native vegetation. This property is in a very sensitive area; and any future development in this location needs to consider the nature of the area.</p> <p data-bbox="775 819 1375 965"><u>Recommendation</u> The NRS – Biodiversity overlay be reinstated over vegetated parts of Lot 1 DP 714002, 114 Myola Road, Myola.</p>
<p data-bbox="225 1010 743 1111">Lot 1 DP 270528 1413 Naval College Road, Vincentia.</p>  <p data-bbox="280 1550 703 1583">Extract from 2013 exhibition map (LZN)</p> <p data-bbox="225 1592 743 1805">Change of zone from R1 to R5 is supported, however after creation of 2 small residential allotments, the balance of the site is a community title lot, and should be zoned E2 as per the development approval.</p>	<p data-bbox="775 1010 1375 1290">This comment is noted. A modification to development consent has been approved over this lot on 19 April 2013 for a new dwelling (DS13/1043). Notification was sent to the landowner advising of the change in zone to R5 and requesting comment. No comment has been received.</p> <p data-bbox="775 1335 1375 1547"><u>Recommendation</u> The of whole community title lot being Lot 1 DP 2705281413 Naval College Road, Vincentia be zoned E2, consistent with the consent granted by Council for the creation of the two small residential lots.</p>

Options 13.2

Option 1

Support the recommendations outlined in Table 13.2, considering the options below regarding Lot 7302 DP 1166566 & Lot 7010 DP 1035145, 165 Scott Street Shoalhaven

Heads and Lot 11 DP 804611 102 Gypsy Point Road, Bangalee and amend draft LEP 2013 accordingly.

Lot 7302 DP 1166566 & Lot 7010 DP 1035145, 165 Scott Street Shoalhaven Heads:

Option 1:

Receive for information and retain the exhibited E3 zone over part of Lot 7302 DP 1166566 Scott Street Shoalhaven Heads and removal of biodiversity overlay as per Council's resolution MIN12.631

Option 2:

Change the zone boundary to reflect the *initial* exhibited E3 zone over part of Lot 7302 DP 1166566 Scott Street Shoalhaven Heads to E2 Environmental Conservation

Option 3:

Reinstate a revised biodiversity overlay recommended by OEH over Lot 7302 DP 1166566 & Lot 7010 DP 1035145, 165 Scott Street Shoalhaven Heads

Option 4:

Change the zone boundary to reflect the *initial* exhibited E3 zone over part of Lot 7302 DP 1166566 Scott Street Shoalhaven Heads to E2 Environmental Conservation and reinstate a revised biodiversity overlay as recommended by OEH over Lot 7302 DP 1166566 & Lot 7010 DP 1035145, 165 Scott Street Shoalhaven Heads

Lot 11 DP 804611 102 Gypsy Point Road, Bangalee:

Option 1:

Change the RU2 zone of Lot 11 DP 804611 102 Gypsy Point Road, Bangalee back to E3 Environmental Management.

Option 2:

Receive for information and retain RU2 zoning of Lot 11 DP 804611 102 Gypsy Point Road, Bangalee as exhibited

Option 2

Receive the submission issues outlined in Table 13.2 for information.

Recommendation 13.2

- a) **Receive the Office of Environment and Heritage comments for information; and**
- b) **a) Revise the boundaries of the E1 zone in the final LEP to accurately reflect the boundaries of National Parks and Nature Reserves;**
b) Amend the zoning of the following parcels of land:
 - **Por 19 DP 755924 Nerriga Crown Land - Douglas Paddock from E1 to RU2;**
 - **Lot 7310 DP 1164768 Dolphin Point from E1 to E2; and**
 - **Princes Hwy Termeil South Brooman No. 830 - State Forest from RU3 to E1;**
- c) **Amend the Land Reservation Acquisition Map to identify Lots 2 & 3 DP 8362 Erowal Bay Rd, Erowal Bay as 'National Park';**

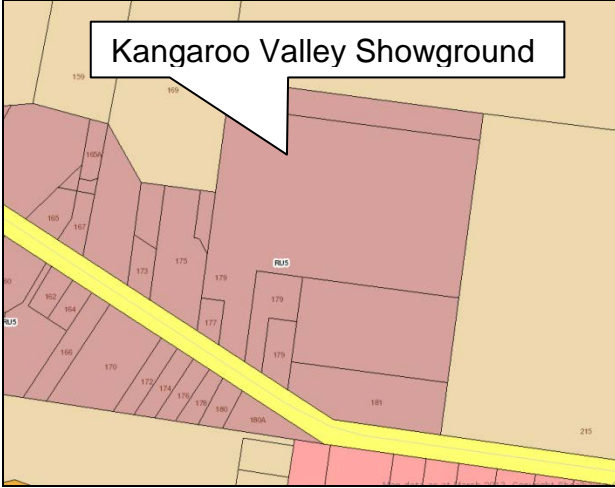

- d) **Zone the area set aside for conservation on Lot 171 DP 1081810, Highview Drive, Dolphin Point to E2 Environmental Conservation as per the Determination of MP05_0024 following concurrence with landowner.**
- e) **Zone the area set aside for conservation as per the subdivision consent on Lot 1433 DP 1008407 Tallimba Road, Bangalee be zoned E2 Environmental Conservation;**
- f) **Adopt either Option 1, 2, 3 or 4 regarding Lot 7302 DP 1166566 & Lot 7010 DP 1035145, 165 Scott Street Shoalhaven Heads. ;**
- g) **Adopt Option 1 regarding Lot 11 DP 804611 102 Gypsy Point Road, Bangalee change of zone back to E3 Environmental Management;**
- h) **The NRS – Biodiversity Overlay, be re-instated over vegetated parts of Lot 1 DP 714002, 114 Myola Road, Myola; and**
- i) **The of whole community title lot being Lot 1 DP 2705281413 Naval College Road, Vincentia be zoned E2, consistent with the consent granted by Council for the creation of the two small residential lots.**

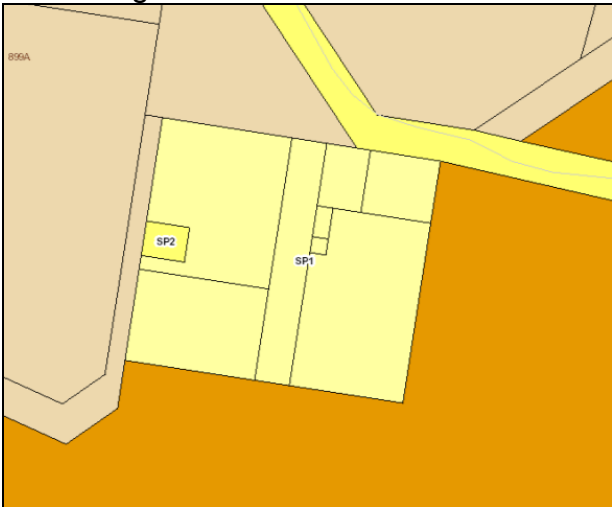
Issue 13.3: Crown Land comments

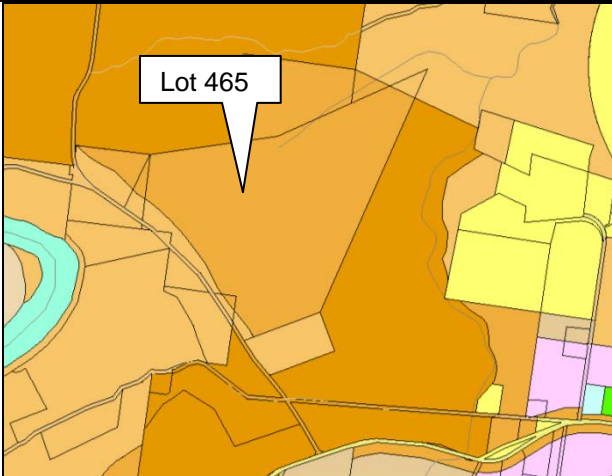
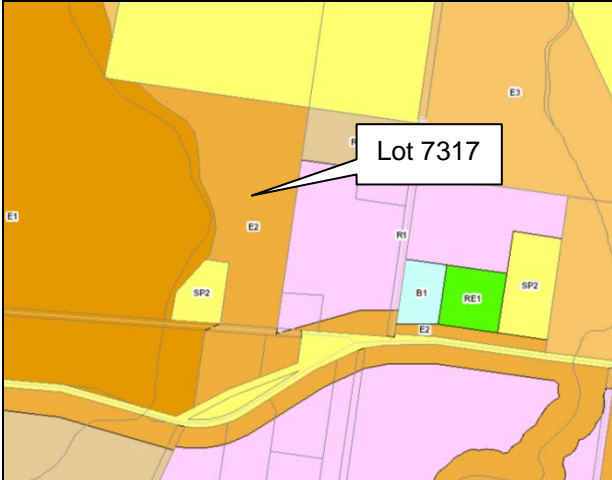
The remaining Crown Lands submission comments are outlined below.



Table 13.3 - Summary of Submissions Issues, Comments and Recommendations

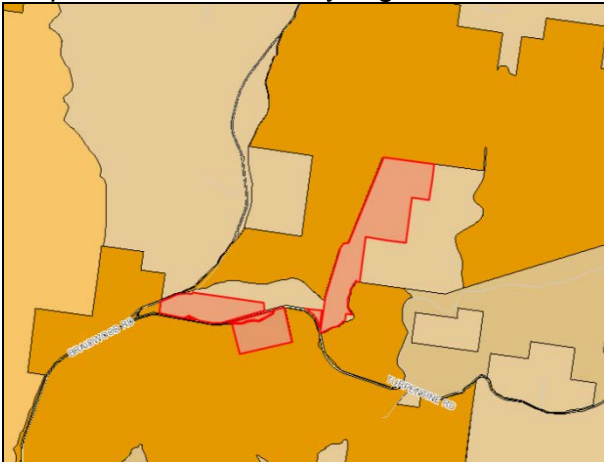
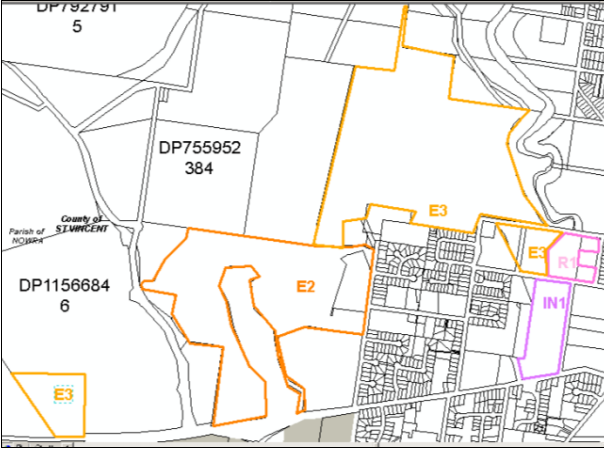
Submission Issue	Comment & Recommendation
<p>Council is required to accept the transfer of control of Crown Public roads (formed or unformed) where lands are rezoned for more intensive land use and require access from these roads:</p> <ul style="list-style-type: none"> • before the more intensive use, including recreation, is permitted; or • new subdivisions are approved regardless of the number of lots to be serviced; or • any new development/s generating significant additional traffic are permitted where improvements to the roadway and drainage systems are required to safely accommodate the increased traffic generation. <p>Where subdivision resulting in any of the above conditions has been approved, and where Crown Lands has not been referenced and where a zoning of RE1 is applied, Crown Lands will consider this as Councils concurrence to the land being</p>	<p>This general advice about the treatment of Crown Land is noted.</p> <p><u>Recommendation</u> Receive for information.</p>

Submission Issue	Comment & Recommendation
<p>reserved as a Reserve for the purpose of Public Recreation under the Crown Lands Act.</p>	
<p>Trig station sites shows are inconsistently zoned across the City.</p>	<p>Trigonometrical sites generally form a small part of a larger parcel and are often not the dominant use of the parcel. Trigonometrical sites are pre-existing and, as such, do not need to be defined by a specific zone. DP&I has not provided specific State wide advice on this issue.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Lots 1 & 2 DP 210368 & Lot 7 DP 909749 Kangaroo Valley Showground</p>  <p>Object to proposed RU5 Village; require RE1 Public Recreation as a public recreational facility.</p>	<p>The showground is Crown Land and is a gazetted reserve and should have a RE1 Public Recreation zone. This site was exhibited as an RU5 zone based on the “best fit” transfer from the current 2(c) zone.</p> <p><u>Recommendation</u> Change the zoning of Lots 1 & 2 DP 210368 & Lot 7 DP 909749, Kangaroo Valley Showground, from RU5 Village to RE1 Public Recreation.</p>
<p>Lot 7307 DP 1163028 & Lot 239 DP 751255 Kangaroo Valley</p>  <p>Object to proposed E2 zoning and require an RU2 zoning. RU2 is suitable as it is the</p>	<p>The exhibited E2 zone in the draft LEP is a ‘best fit’ transfer from the current Environment Protection 7(e) (Escarpment) zone in SLEP 1985. This land may benefit from existing use rights. An RU2 zone in this location may be appropriate for part of the land, but without undertaking an environmental assessment the requested zone change has no strategic basis and is inconsistent with the adopted ‘ground rules’.</p> <p><u>Recommendation</u> Receive for information.</p>

Submission Issue	Comment & Recommendation
<p>surrounding use.</p> <p>While timbered this block is also grazed and used by local government.</p> <p>Lot 239 appears to have been cleared and has a structure on it; is Reserve 89435 for Local Government Purposes. Local office records note it as a 'works depot'. E2 not appropriate over a works depot, adjoining land is RU1, adopt RU1.</p> <p>Lot 7307 is timbered and is held under tenure for grazing. Agriculture (grazing) is not permissible under E2 but is permissible under RU1.</p>	
<p>Lot 1 DP 1034714, Lots 1-5 DP 1115368, Lot 7301 DP 1152357 Bellawongarah</p>  <p>Object to RU1. Crown Lands require SP1 (cemetery).</p>	<p>The cemetery was exhibited as SP1 following a request from Crown lands after the initial exhibition.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Lot 465 DP 1102909 Long Reach Road, Long Reach</p>	<p>The exhibited E2 zone is consistent with the Nowra Bomaderry Structure Plan as the area is identified as a 'conservation and riparian area'. As such the request is not supported.</p> <p><u>Recommendation</u> Receive for information.</p>

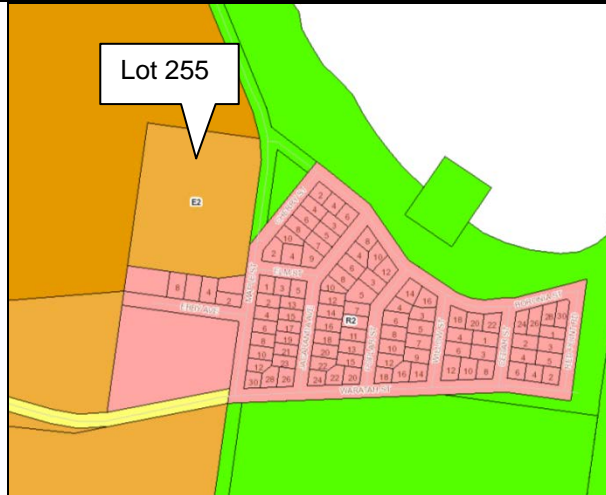
Submission Issue	Comment & Recommendation
 <p data-bbox="209 703 823 891">Object to proposed E2 zoning – requested zoning is E3 as for adjoining lands which are not National Park. Is not steep, wetland, rainforest or escarpment.</p>	
<p data-bbox="209 891 823 965">Lot 7317 DP 1165162 Bamerang Rd, Mundamia</p>  <p data-bbox="209 1442 823 1592">Object to proposed E2 zoning – requested zoning is E3 to provide a sufficient buffer between E1 and R1 Residential</p>	<p data-bbox="847 891 1474 1077">The exhibited E2 zone is consistent with the Nowra Bomaderry Structure Plan as the area is identified as a ‘conservation and riparian area’. As such the request is not supported.</p> <p data-bbox="847 1106 1474 1180"><u>Recommendation</u> Receive for information.</p>
<p data-bbox="209 1592 823 1666">Lot 427 DP 720906 Rainford Road, West Nowra</p>	<p data-bbox="847 1592 1474 1778">The zoning for the electricity easement was changed to E3 Environmental Management and the remainder retained as exhibited following the same request to the initial exhibition.</p> <p data-bbox="847 1807 1474 1881"><u>Recommendation</u> Receive for information.</p>

Submission Issue	Comment & Recommendation
 <p>Lot 427</p> <p>E3 zoning required. Part cleared for electricity easement moderately steep, E2 zone not connected to any non-Crown land zoned E2. Closest large lot land is E3.</p>	
<p>Road reserve separating Lots 609 & 607 DP 1046454, Lots 512-516 DP1040140, Lot 317 DP 1013289 from Lots 3 & 105-111 DP 817819 & Lot 60 Lot 816655 Cassia Place ULLADULLA</p>  <p>Crown road</p> <p>Crown Road embedded in developed area zoned RE1 should be zoned R2 as for the surrounding land. Otherwise should be reserved as a Crown Reserve for public recreation to be managed by council, as it is a remnant of the Council planning process resulting in a management burden for Crown Lands. Crown Lands require R2 or if zoned as RE1, Crown Lands will take this as Council concurrence to reservation under the Crown Lands Act as a reserve for Public Recreation</p>	<p>This parcel was changed to RE1 as requested by Crown Lands in their submission on the initial exhibition.</p> <p>There is a community expectation that this land will remain in an undeveloped state. As such as residential may be inappropriate.</p> <p><u>Recommendation</u> Receive for information.</p>

Submission Issue	Comment & Recommendation
<p>Lot 7314 DP 1148390 (Shooting range) Turpentine Road, Yerriyong</p>  <p>Not a State Forest. One of only 2 ranges in Shoalhaven. E2 will not permit grazing or allow maintenance of the range facilities. Crown Lands requires zoning of RU2 as for adjoining non-NP land.</p>	<p>As this parcel is not State Forest, the RU3 zoning should be changed to the same as the adjoining land.</p> <p><u>Recommendation</u> Change the zone of Lot 7314 DP 1148390 Turpentine Road, Yerriyong from RU3 to RU2 to reflect the ownership of the land.</p>
<p>Lot 7310 DP 1165171, Lot 1, 2 & 3 DP 758794 Sec 56 Bice Road, West Nowra change to R1 Part of Lot 377 DP 755952 (Por 377) zoned RE1 change to IN1</p> 	<p>These requests are effectively “spot rezoning” for which no justification has been given.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Pt Lot 255 DP 755923 Bendalong</p>	<p>This parcel of land was not included or identified in the Sensitive Urban Lands Review. It is currently majority zoned Environmental Protection 7(a). The E2 zone is a ‘best fit’ transfer and considered to be the appropriate zone for the land in question.</p> <p><u>Recommendation</u> Receive for information.</p>

Submission Issue

Comment & Recommendation



Objects to E2 zone - requires zoning as R2, in line with recommendations from Sensitive Urban Lands Review 2006.

Lot 7050 DP 1101639
Bendalong



Light green outline – E3
Darker green outline – E2
Objects to E2 zone - requires E3 as for adjacent vegetated freehold lands at Bendalong.

The Sensitive Urban Lands Review states that this land should be rezoned for environmental conservation using the new Zone E2 Environmental Conservation.

Recommendation
Receive for information.

Lot 146 DP 755937
Sussex Inlet Road, Sussex Inlet



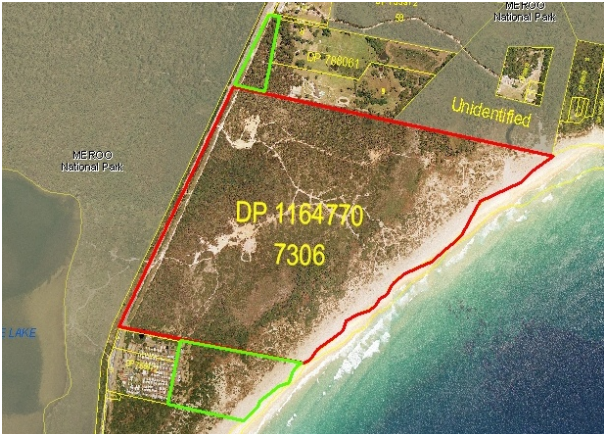
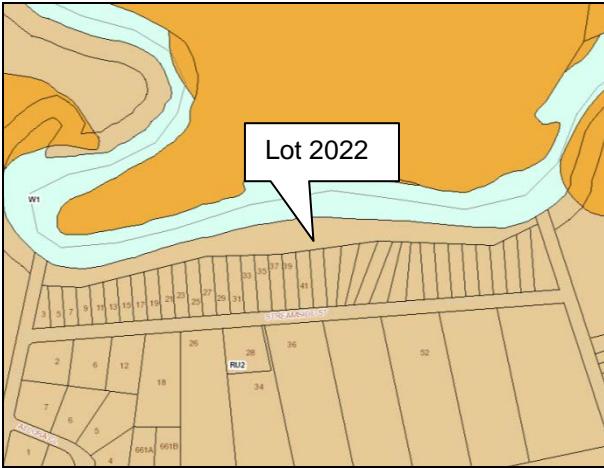
Requests R1 as for adjoining Land, as suitability assessed in Land Assessment

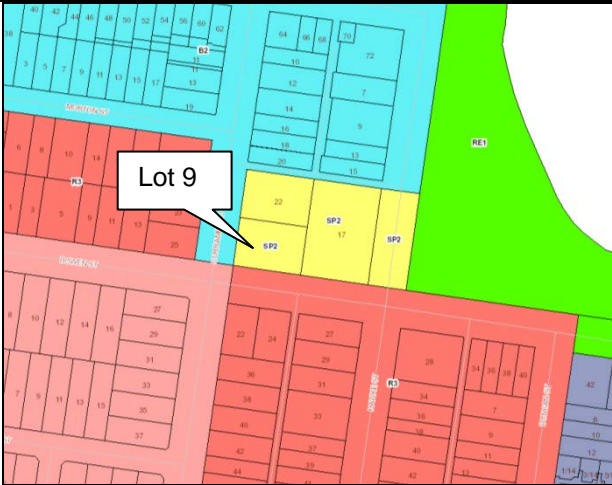

The Crown Land Assessment details that suitable uses for 'mapping area 3' as residential and/or community development and recreation or tourism uses.

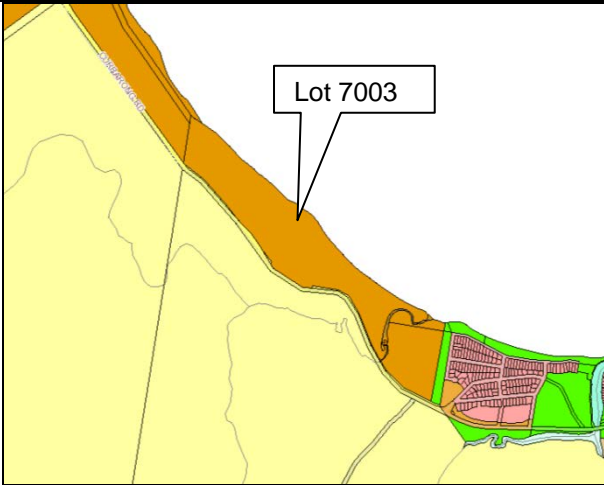
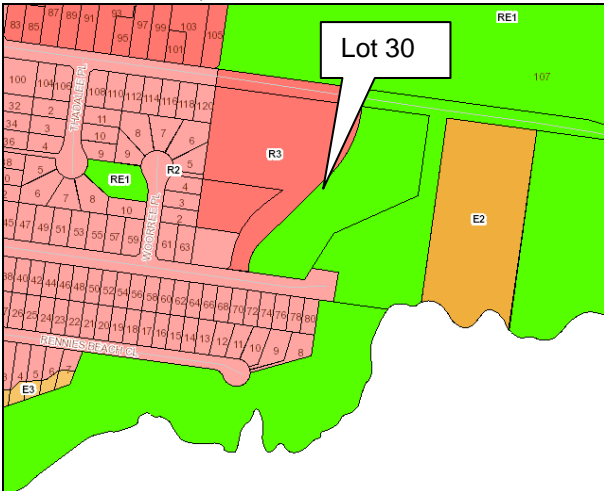
The exhibited RE1 zone is a "best fit" transfer from current LEP 1985, 6(c) Open Space zone. Amendment No. 99 to LEP 1985 in 1996 enables buildings and facilities for scout hall and other community purposes.

Should Crown Lands wish to pursue a change of zone in this location this can be done through a planning proposal.

Recommendation

Submission Issue	Comment & Recommendation
<p>process. If zoned as RE1, Crown Lands will take this as SCC concurrence to reservation under the Crown Lands Act as a reserve for Public Recreation.</p>	<p>Receive for information.</p>
<p>Lot 7309 DP 1164770 Lake Tabourie</p>  <p>Green outline on map not National Park.</p> <p>Red outline granted land claim. Crown Lands require green outline to be RE1 zoning.</p>	<p>This land was changed to E3 in response to the same request to the initial exhibition. The current zone for this site under LEP 1985 is 7(f1) Environment Protection Coastal. There is no justification to change from an environmental zone to the RE1 zone.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Lot 2022 DP 1074345 Streamside Street, Woollamia</p>  <p>A zoning of RE1 is required to capture the actual use of this site not RU2.</p>	<p>This is a reserve for public recreation and as such the requested RE1 zone is supported.</p> <p><u>Recommendation</u> Change the zone of Lot 2022 DP 1074345 Streamside Street, Woollamia from RU2 to RE1.</p>
<p>Lot 9 DP 758530 Sec 3 26 Currambene Street, Huskisson</p>	<p>This is a 'best fit' transfer of the current 5(a) Car Park zone which has been in place since 1985. Should Crown Lands wish to pursue a change of zone in this location this can be done through a planning proposal.</p>

Submission Issue	Comment & Recommendation
 <p>Should land be acquired by Council if zoned as SP2 Car Park – else suggest adjoining B2 zone.</p>	<p><u>Recommendation</u> Receive this comment for information.</p>
<p>Caramar Creek (adjacent Lot 32 DP 861840) Jervis Bay National Park Crown Land below MHWL</p>  <p>A zoning of W1 is appropriate to this natural waterway which is not part of the National Park.</p>	<p>This request is supported.</p> <p><u>Recommendation</u> Change the zone of Caramar Creek from E1 to W1 given that it does not form part of the National Park.</p>
<p>Lot 7003 DP 1125406 Currarong Road, Currarong</p>	<p>This land is identified in the Jervis Bay Regional Environmental Plan as zone 8(b) and is intended to be acquired to form part of the Jervis Bay National Park.</p> <p><u>Recommendation</u> Receive for information.</p>

Submission Issue	Comment & Recommendation
 <p data-bbox="209 712 815 824">Object to E1 as the land is Crown Reserve. Correct zoning should be E2.</p>	
<p data-bbox="209 824 815 896">Lot 30 DP 821467 Parson Street, Ulladulla</p>  <p data-bbox="209 1384 815 1538">Crown Lands require part R3 part RE1. Amend to RE1 to align with block to the east.</p>	<p data-bbox="847 824 1466 936">It is unsure what is meant by the comment. This is the 'best fit' transfer of zones for this parcel of land.</p> <p data-bbox="847 969 1466 1048"><u>Recommendation</u> Receive for information.</p>

Options 13.3

Option 1

That Council support the recommendations outlined in Table 13.3 and amend draft LEP 2013 accordingly.

Option 2

That the submission issues outlined in Table 13.3 be received for information.

Recommendation 13.3

- a) **Receive the remaining Crown Lands Division submission comments for information;**

- b) **Change the zone of Lots 1 & 2 DP 210368 & Lot 7 DP 909749, Kangaroo Valley Showground, from RU5 Village to RE1 Public Recreation;**
- c) **Change the zone of Lot 7314 DP 1148390 Turpentine Road, Yerriyong from RU3 to RU2 to reflect the ownership of the land;**
- d) **Change the zone of Lot 2022 DP 1074345 Streamside Street, Woollamia from RU2 to RE1; and**
- e) **Change the zone of Caramar Creek from E1 to W1 given that it does not form part of the National Park.**

Issue 13.4: High Conservation Value Crown Land

There are a number of Crown Land parcels identified as lands of high conservation value in Shoalhaven in the *South Coast Regional Conservation Plan 2010*.

OEH have held discussions with the Crown Lands Division and they have agreed on the requests for the zoning of these lands as set out in the table below. A small number of these parcels are still under discussion and Council will be provided with advice on these shortly. However, given the timeframes for finalising the draft LEP, these additional zone changes will not be able to be considered for inclusion in draft LEP 2013 and may need to be considered separately later.

Table 13.4 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
Lots 22 & 23 DP 751273 Illaroo Road, Illaroo The proposed E2 zone is agreed.	The support for the proposed zoning is noted. <u>Recommendation</u> Receive for information.
Part Lot 1 DP 569943 Bendeela Road, Kangaroo Valley The proposed RE1 zone with Biodiversity overlay is agreed.	The support for the proposed zoning is noted. <u>Recommendation</u> Receive for information.
Lot 102 DP 755953 Worrigea Road, Worrigea The proposed zone is E3 but agree it should be E2 if Council agree as the trust manager (otherwise E3).	This parcel is highly vegetated and adjoins National Park on two sides. There is unlikely to be a significant issue for Council as trust manager in regards to this change. <u>Recommendation</u> Change the zone of Lot 102 DP 755953, Worrigea Road, Worrigea from E3 to E2.
Lot 7314 DP 1148390 (east of Hell Hole Quarry) & Lot 7318 DP 1148388 (west of Hell Hole Quarry) Parma Creek	The western parcel is highly vegetated, adjoins National Park and has an existing property vegetation plan. As such, it should

Submission Issue	Comment & Recommendation
<p>The proposed RU2 is agreed for the eastern side of the quarry and agree to requested E2 on the western side of the quarry.</p>	<p>be zoned E2.</p> <p><u>Recommendation</u> Change the zone of Lot 7318 DP 1148388 Blackbutt Road, Parma Creek from RU2 to E2.</p>
<p>Lots part 73, 98 - 100 DP 755968, & Lots 7012 & 7013 DP 1029759 Pine Forest Road and Parnell Road, Tomerong The proposed zone of these lots is RE1 (Lot 98) and RU2 with the Biodiversity overlay. Agree on E2 for all these parcels.</p>	<p>Lots 98 & 100 have been subdivided and appear to be privately owned. Lot description may be incorrect. Lot 73 (now DP 1143074), Lot 7012 & Lot 7013 (now consolidated as Lot 74 DP 1143074) and Lot 99 are highly vegetated and adjoin Jerberra Estate and National Park.</p> <p><u>Recommendation</u> Change the zone of Lots 73 & 74 DP 1143074 & Lot 99 DP 755968 Pine Forest and Parnell Roads, Tomerong from RU2 to E2.</p>
<p>Lot 111 & 170 DP 726741 Medlyn Road, Sussex Inlet The proposed RU2 zoning is agreed.</p> <p>Note: it is assumed the relevant lot is Lot 111 DP 755937 as it is adjacent to Lot 170 and Lot 111 DP 726741 does not exist)</p>	<p>The support for the proposed zoning is noted.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Lot 7004 DP 1030104 Abrahams Bosom, Currarong The proposed E1 zone is agreed.</p>	<p>The support for the proposed zoning is noted.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Lots 80 & 204 DP 751255 (Budgong), Lot 7009 DP1021160 (Parma Creek) Under discussion between OEH and Crown lands.</p>	<p>This advice is noted. Any additional zone changes will not be able to be considered for inclusion in the draft LEP. As such, dependent on what is agreed between OEH and Crown Lands, a future amendment to the LEP may be required.</p> <p><u>Recommendation</u> Receive for information.</p>

Options 13.4

Option 1

That Council support the recommendations outlined in Table 13.4 and amend draft LEP 2013 accordingly.

Option 2

That the submission issues outlined in Table 13.4 be received for information.


Recommendation 13.4

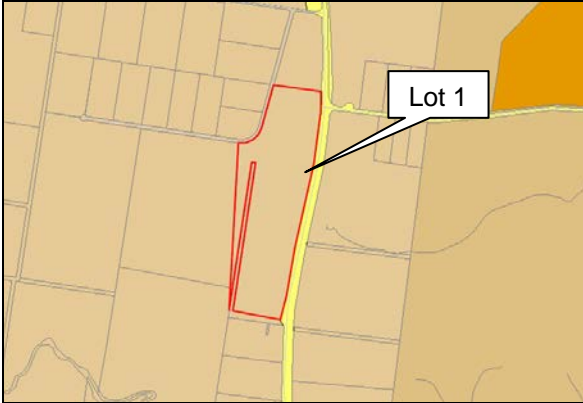
- a) **Receive the Office of Environment and Heritage comments regarding High Conservation Value Crown Lands for information;**
- b) **Change the zone of Lot 102 DP 755953, Worrigee Road, Worrigee from E3 to E2;**
- c) **Change the zone of Lot 7318 DP 1148388 Blackbutt Road, Parma Creek from RU2 to E2, and**
- d) **Change the zone of Lots 73 & 74 DP 1143074 & Lot 99 DP 755968, Pine Forest and Parnell Roads, Tomerong from RU2 to E2.**

Issue 13.5: Roads and Maritime Service

The comments in the Roads and Maritime Service (RMS) are outlined in the table below.

Table 13.5 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
<p>Lot 24 Princes Highway, Falls Creek & Lot 25, 55 Woncor Ave, Nowra Hill, DP 1173220</p> 	<p>It would appear that some of these changes have already been implemented through draft LEP 2013 - what is marked as Lot 25 on the map provided does not yet exist and is still part of Lot 1 DP 1154597.</p> <p><u>Recommendation</u> Change the zone of Lot 24 DP 1173220, Princes Highway, Falls Creek, and that part of Lot 1 DP 1154597, 55 Woncor Ave, Nowra Hill, which is proposed to be acquired by the RMS (proposed Lot 25) to SP2 Infrastructure (Classified Road).</p>

Submission Issue	Comment & Recommendation
 <p data-bbox="228 674 812 819">Request that they be zoned SP2 Infrastructure (Classified Road) for potential widening of the Princes Highway.</p>	
<p data-bbox="228 864 812 965">RTA is now known as the RMS and all references in the LEP should be amended to reflect this.</p>	<p data-bbox="834 864 1485 931">Noted and the draft LEP needs to be amended accordingly.</p> <p data-bbox="834 969 1485 1223"><u>Recommendation</u> Amend the table in Clause 5.1(2) to replace 'Roads and Traffic Authority' with 'Roads and Maritime Services' and amend the reference in <i>Schedule 2 Exempt Development – Signs, advertising structures and displays</i> to replace 'RTA' with 'RMS'.</p>
<p data-bbox="228 1267 812 1559">A number of roads connecting to the Princes Highway are shown as being zoned SP2 infrastructure. This zone should only apply to Classified State Roads such as the Princes Highway and Moss Vale Road. Classified Regional Roads and all other roads should adopt the adjacent zone.</p>	<p data-bbox="834 1267 1485 1413">The mapping of these roads assists with the legibility of the maps. This approach has been consistently maintained by Council during the plan's preparation.</p> <p data-bbox="834 1451 1485 1518"><u>Recommendation</u> Receive for information.</p>
<p data-bbox="228 1597 812 1709">RMS is currently reviewing the LEP maps and further advice will be provided when the review is complete.</p>	<p data-bbox="834 1597 1485 1742">This advice is noted; however, it is unlikely that any further requests will be able to be accommodated in the draft LEP prior to finalization.</p> <p data-bbox="834 1780 1485 1892"><u>Recommendation</u> Receive for information.</p>

Options 13.5

Option 1

Support the recommendations outlined in Table 13.5 and amend draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 13.5 for information.

Recommendation 13.5



- a) **Receive the RMS submission comments for information; and**
- b) **Change the zone of Lot 24 DP 1173220, Princes Highway, Falls Creek, and that part of Lot 1 DP 1154597, 55 Woncor Ave, Nowra Hill, which is proposed to be acquired by the RMS (proposed Lot 25) to SP2 Infrastructure (Classified Road).**
- c) **Amend the table in Clause 5.1(2) to replace 'Roads and Traffic Authority' with 'Roads and Maritime Services' and amend the reference in Schedule 2 Exempt Development – Signs, advertising structures and displays to replace 'RTA' with 'RMS'.**



Issue 13.6 NSW Railcorp

The comments in NSW Railcorp's submission are outlined in the table below.

Table 13.6 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
<p>Lot 21 DP 856086, Lot 3 DP 802440, Lot 1 DP 1021415, Lot 1 & 2 DP 229035 Bomaderry Railway Station, Meroo Street and Bolong Road, Bomaderry</p> <p>Concerned that the requested change of zones for land at Bomaderry Station made to the initial exhibition were not adopted. Previously requested a change of zone from SP2 for non operational land at Bomaderry Station. Note that the recommendation was to support the changes, however, Council ultimately resolved to "retain the SP2 zone for the various Railcorp properties at Bomaderry to ensure future opportunities for car parking and other associated uses".</p> <p>Have had advice from Transport for NSW that there are currently no plans for a car park at Bomaderry station under the Transport Access Program. Patronage numbers at the moment do not indicate an</p>	<p>Given the advice from Transport for NSW, it is appropriate to change the zone from SP2 to IN1 as per the adjoining land.</p> <p><u>Recommendation</u> Change the SP2 zone land at Bomaderry as per the NSW Railcorp submission on the 2011 exhibition as follows:</p> <ol style="list-style-type: none">a) Part of Lot 21 DP 856086 and Crown land at Bolong Road to RU1 Primary production.b) Part of Lot 3 DP 802440 to RE1 Public Recreation.c) Part of Lot 3 DP 802440, Lot 1 DP 229035 and Lot 2 DP 229035 to B4 Mixed Use.d) Part of Lot 1 DP 1021415 to IN1 General Industrial.

Submission Issue	Comment & Recommendation
<p>issue with current parking facilities.</p> <p>Has not been provided with any information in regards to this decision or justification for the need for additional car parking at Bomaderry.</p> <p>The properties in question and the requested zones are:</p> <p>Part of Lot 21 DP 856086 and Crown land at Bolong Road to RU1 Primary production.</p>  <p>Part of Lot 3 DP 802440 to RE1 Public Recreation as per the diagram below.</p>  <p>Part of Lot 3 DP 802440 Lot 1 DP 229035 and Lot 2 DP 229035 to B4 Mixed Use as per the diagram below.</p>	

Submission Issue	Comment & Recommendation
 <p data-bbox="225 741 866 808">Part of Lot 1 DP 1021415 to IN1 General Industrial as per the diagram below.</p> 	

Options 13.6

Option 1

Support the recommendations outlined in Table 13.6 and amend draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 13.6 for information.

Recommendation 13.6

Change the SP2 zone land at Bomaderry as per the NSW Railcorp submission on the 2011 exhibition as follows:

- a) ***Part of Lot 21 DP 856086 and Crown land at Bolong Road to RU1 Primary production.***

- b) **Part of Lot 3 DP 802440 to RE1 Public Recreation.**
- c) **Part of Lot 3 DP 802440 Lot 1 DP 229035 and Lot 2 DP 229035 to B4 Mixed Use.**
- d) **Part of Lot 1 DP 1021415 to IN1 General Industrial.**

Issue 13.7: NSW Education & Communities - Office of Education

The comments in the NSW Education & Communities - Office of Education submission are outlined below.

Table 13.7 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
<p>No objection to the listing of government school buildings and features including trees indicated as items of local heritage significance.</p> <p>These being:</p> <ul style="list-style-type: none"> Berry Public School (Item I 108) Falls Creek Public School (I 194) Greenwell Point Public School (I195) Kangaroo Valley Public School - former Beaumont School Building (I 226) Kangaroo Valley Public School (I 227) Milton Public School (I 1306) Nowra Public School (I 1394) Nowra Public School Residence (I 1397) Terara Public School (I 1468) Tomerong Public School (I 1482) Ulladulla Public School (I 1487) 	<p>This comment of support is noted. All these items are currently listed in LEP 1985.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Comments on land use zoning of government education land. Reiterates comment provided to draft SLEP 2009 preferring that educational facilities have the same land use zoning as adjoining properties as stipulated in the DP&I's LEP practice note. This is preferred as it provides greater flexibility to long term strategic deliveries and management of education within the LGA.</p> <p>A table was attached to the submission of properties in Shoalhaven including Council's proposed land use zoning and the DEC's requested land use zoning for these properties.</p>	<p>Whilst the SP3 zoning of Department of Education schools is inconsistent with the practice note, it reflects the long term strategic importance of these sites in their local communities and should be retained. This position has been maintained by Council throughout the preparation and exhibition of the LEP.</p> <p><u>Recommendation</u> Receive for information.</p>

Submission Issue	Comment & Recommendation
<p>'Education Establishment' should be included as a permissible use with development consent in accordance with the prescribed zones in SEPP Infrastructure 2007.</p>	<p>This is contrary to DP&I advice that land uses that are permitted under a SEPP should not be include in the LUTs as a SEPP is a higher order document. The LUTs contain a note that states '<i>A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy.</i>'</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Needs to be advised of any new URA's and its anticipated population generation, dwelling targets and phasing to identify additional education infrastructure that may be required.</p>	<p>The Department of Education has consistently been advised of the Nowra Bomaderry Structure Plan and has been included in meetings the Nowra Bomaderry Project Control Group which has been set up to ensure orderly and efficient development of the URAs identified in the draft LEP.</p> <p><u>Recommendation</u> Receive for information.</p>

Options 13.7

Option 1

Support the changes sought by the Department outlined in Table 13.7 and amend draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 13.7 for information.

Recommendation 13.7

Receive the Department of Education and Training submission comments for information.

Issue 13.8: NSW Heritage Council

The comments in the NSW Heritage Council submission are outlined below.

Table 13.8 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
<p>Compulsory Heritage Provisions</p> <p>Heritage Provisions in Clause 5.10 are not consistent with the Standard Instrument - Principal LEP. Should be amended to ensure consistency with the LEP.</p>	<p>The heritage provisions in the exhibited instrument are consistent with the latest version of the Standard Instrument.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Additional Local Provisions Parts 1 and 7</p> <p>Clause 1.9A - Suspension of Covenants, agreements and instruments. The Heritage Act 1977 provides for the creation of heritage agreements pursuant to Part 3B of the Heritage Act. The Heritage Branch recommends that clause 1.9A be revised to include the following clause:</p> <p>1.9A (2) (g) to any heritage agreements within the meaning of Part 3B of the Heritage Act 1977.</p>	<p>This clause is a standard clause inserted by DP&I. This is a Statewide matter that is best dealt with at State level.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Exempt & Complying Development</p> <p>Believe the additional exempt and complying matters do not impact on heritage items, draft heritage items or heritage conservation.</p>	<p>Comment noted.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Schedule of Environmental Heritage Notes Schedule 5 does not include Archaeological Sites</p> <p>Notes items listed as State significant should only relate to the 10 on the branch database and the remaining ones listed in draft LEP should be amended to 'local'.</p> <p>Schedule 5 in the draft LEP identifies 128 items as State significant.</p> <p>Only items currently listed on the State Heritage Register (SHR) can be identified as having State Significance in Schedule 5. Accordingly, all items not currently listed on</p>	<p>As there are currently no archaeological sites identified in SLEP 1985, there are none identified in draft LEP 2013.</p> <p>The items that are listed in the draft LEP as State significant are those on the SHR but also those that are identified at a State level in the Illawarra Regional Plan or the Jervis Bay Regional Plan.</p> <p>The Berry Station Group is listed as Item I94 and the Bomaderry Aboriginal Children's Home is listed as Item I125. Both are already identified as State significant.</p>

Submission Issue	Comment & Recommendation
<p>the SHR are to be amended and identified as having local significance</p> <p>Schedule 5 does not identify the following SHR items which are to be included:</p> <p>a) Berry Railway Station Group movable heritage (SHR Item No. 01085)</p> <p>b) Bomaderry Aboriginal Children's Hospital (SHR Item No. 01874).</p>	<p>At this stage it is proposed to retain the State significant listing notation as exhibited.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>DICTIONARY DEFINITIONS - No concerns</p>	<p>Comment noted.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>LEP MAPPING - Any proposed changes to development standards for land that includes a listed State Heritage Register item or that is located in the vicinity of a SHR item should ensure that land zoning, HOB, lot size and FSR does not adversely impact on the heritage significance of that item.</p>	<p>Comment noted. Given the scale of this LEP and the new approach to zoning etc. it is simply not possible to comply with this requirement.</p> <p><u>Recommendation</u> Receive for information.</p>

Options 13.8

Option 1

Support the changes sought by the NSW Heritage Council outlined in Table 13.8 and amend draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 13.8 for information.

Recommendation 13.8

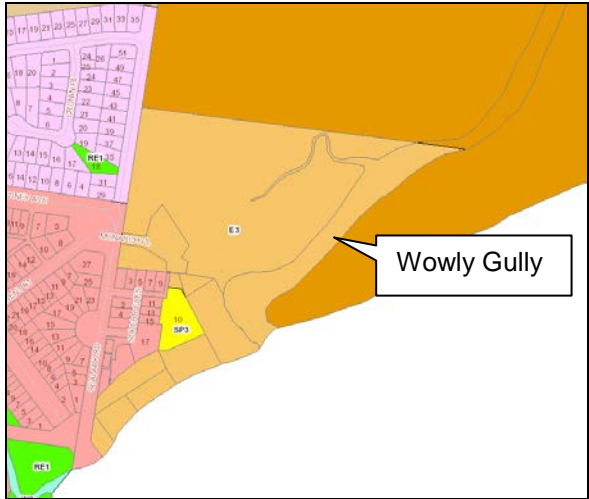
Receive the NSW Heritage Council's submission comments for information.

Issues 13.9: NSW Department of Primary Industries - Jervis Bay Marine Park

The comments in the NSW Department of Primary Industries - Jervis Bay Marine Park submission are outlined below.

Table 13.9 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
A number of issues raised in relation to the earlier LEP have not been addressed and remain unresolved. In addition, some of the further changes that have been made have diluted certain aspects of the Plan and diminished its clarity and effectiveness.	Comments noted. <u>Recommendation</u> Receive for information.
Subdivision Changeover in rural zoning in the catchment of Currumbene Creek should not facilitate further subdivision in the Falls Creek and Woollamia rural residential areas. It is important that there is no inadvertent increase in potential residential density as a consequence of the changeover, in order to adequately protect the creek catchment and avoid and detrimental impacts on Jervis Bay Marine Park (JBMP).	This is noted. Generally the draft LEP is a 'best fit' transfer and should not allow additional subdivision beyond that currently allowed in LEP 1985. <u>Recommendation</u> Receive for information.
7.15 Development within Jervis Bay region Amend the dLEP to apply cl.7.5 and 7.6 explicitly to the Jervis Bay region, by referencing those clauses in 7.15, or referencing 7.15 .in 7.5 (2) and 7.6 (2). The JB REP will be repealed when the dLEP comes into effect (cl.1.9) and though measures outlined in the REP for protection of water quality and aquatic biodiversity within the JB region are carried across in part through mapping in the NR Biodiversity and NR Water overlays the catchment protection objectives inherent in the REP are not replicated or explicit.	Clauses 7.5 <i>Biodiversity</i> and 7.6 <i>Water</i> will apply to the relevant areas in the Jervis region so it is not necessary to reference <i>Clause 7.15 Development within the Jervis Bay region</i> in these clauses or vice versa. The carry-over of the Jervis Bay REP provisions into the draft LEP was discussed with DP&I. The replication of the catchment provisions was not needed given other provisions in the LEP. <u>Recommendation</u> Receive for information.
Proposed Zonings Wowly Gully - the lower reaches (entrance end) should be zoned W1. It was previously proposed to be E2 and is now	The request to change the zone of the entrance of Wowly Gully from E3 to W1 is generally supported.

Submission Issue	Comment & Recommendation
<p>proposed for E3.</p>  <p>Currambene Creek: where practicable apply E3 zoning to Crown land foreshore areas currently proposed for RU2. E3 would provide for better recognition and management of the riparian values of the foreshore as an extension of the waterway land use that can now be better designated through the waterway zones. Where possible the rural zoning of foreshore reserve in the upper reaches of Currambene Creek should be changed to E3 to strengthen riparian protection and management. Under Fisheries Management Act, (S.220C & Sch.6) degradation of native riparian vegetation along NSW watercourses is a key threatening process.</p>	<p>The comments relating to the zoning of foreshore areas are noted; however, changes to the zoning of Crown land would need to be considered in consultation with Crown Lands Division and are outside the scope of this draft LEP process which is based on a 'est fit' transfer of zones.</p> <p><u>Recommendation</u> Change the zone of the entrance of Wowly Gully from E3 to W1.</p>

Options 13.9

Option 1

Support the recommendations outlined in Table 13.9 and amend draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 13.9 for information.

Recommendation 13.9

- a) **Receive the NSW Department of Primary Industries - Jervis Bay Marine Park submission comments for information; and**
- b) **Change the zone of the entrance of Wowly Gully from E3 to W1.**

Issue 13.10: NSW Department of Primary Industries - Office of Water

The comments from the NSW Department of Primary Industries – Office of Water submission are outlined below.

Table 13.10 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
<p>Part 3 Exempt and Complying Development – Clause 3.3 Environmentally sensitive areas excluded</p> <p>Previously suggested an additional subclause be included under Clause 3.3(2) to add waterways and riparian land to the description of environmentally sensitive areas so that Exempt or Complying Development is not carried out on any environmentally sensitive riparian areas. Repeats the recommendation that environmentally sensitive areas include land identified as being a waterway or riparian land</p> <p>As previously suggested, Council may wish to consider other LEPs where this provision has been incorporated, for example see Clause 3.3.(2)(ja) in Wingecarribee LEP 2010; Clause 3.3(2)(jd) in Kiama LEP 2011 and Clause 3.3(2)(ja) in Eurobodalla LEP 2012.</p>	<p>This comment is supported.</p> <p><u>Recommendation</u> Insert sub clause (ja) <i>land identified as riparian land in paragraphs (a) or (b) of clause 7.5 (5)</i> at the end of Clause 3.3 to exclude exempt and complying development on riparian land.</p>
<p>Part 4 Principal development standards 4.1 Minimum subdivision lot size</p> <p>The following amendment is suggested for inclusion under sub clause 1:</p> <p>(1) The objectives of this clause are as follows: (d) to ensure the lot sizes allow development to be sited to protect and/or enhance waterways as natural systems and riparian land.</p>	<p>This clause forms part of the Standard Instrument and cannot be altered by Council.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>4.2C Subdivision of land fronting a watercourse or over an aquifer</p> <p>In addition to the LEP including clause 4.2C to limit the potential for an increase in water extraction as a result of subdivision of land fronting a watercourse, the clause should also limit the potential for an increase of new Basic Landholder Rights (BLRs) over any</p>	<p>In regards to the request for a clause to address vulnerable/sensitive/stressed aquifers in the LGA, Council has been unable to access accurate data relating to underground water. Should this data be forthcoming from State Government in the future, Council can consider</p>

Submission Issue	Comment & Recommendation
<p>vulnerable/sensitive/stressed aquifers in the LGA, particularly as significant areas of high vulnerability are found east of Nowra.</p> <p>The following amendment is suggested for inclusion in clause 4.2C:</p> <p>(1) The objective of this clause is to limit the creation of additional entitlements potential for an increase in water extraction as a result of subdivision of land fronting a watercourse or over an aquifer:</p> <p>(2) This clause applies to land that is zoned RU1, RU2, RU5, R5, E2 or E3 that has a direct frontage to a watercourse and to land over vulnerable aquifers</p> <p>(3) Before determining a development application in an area to which this clause applies the consent authority must consider:</p> <p>(a) the potential for the development to create additional allotments that are located over a vulnerable aquifer or front a waterway; and</p> <p>(b) whether reticulated water is to be supplied to those allotments.</p>	<p>including it in the draft SLEP via a future amendment.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>5.3 Development near zone boundaries</p> <p>Supports Clause 5.3 (3) not applying to land zoned RE1, E1, E2, E3, W1 and W2. It is recommended Clause 5.3 (3) also not apply to waterways/riparian land as shown on the Natural Resource Sensitivity - Water maps.</p>	<p>Support for this clause is noted. As <i>Clause 7.6 Water</i> applies to land within 50m of a waterways/riparian land identified on the Natural Resource Sensitivity - Water maps, it is not necessary to exclude waterways/riparian land from Clause 5.3(3).</p> <p><u>Recommendation</u> Receive for information.</p>
<p>5.5 Development within the coastal zone</p> <p>It is recommended an objective of clause include: • to protect, maintain and rehabilitate coastal waterways and riparian land.</p> <p>Previously suggested that groundwater also be included under sub clause 5.5 (3)(b) and repeats this recommendation.</p>	<p>This clause forms part of the Standard Instrument and can't be altered by Council.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>5.13 Eco-tourist facilities</p>	<p>This clause forms part of the</p>

Submission Issue	Comment & Recommendation
<p>It is suggested the following amendments are incorporated into clause 5.13:</p> <p>(1) The objectives of this clause are as follows: (a) to maintain and improve the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,</p> <p>(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that: (d) the development will promote positive environmental outcomes and any impact on watercourses, waterways, surface water and groundwater sources, riparian land, soil quality, heritage and indigenous flora and fauna will be minimal,</p>	<p>Standard Instrument and cannot be altered by Council.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Part 6 Urban Release Areas 6.3 Development Control Plan</p> <p>It is suggested the following amendments are incorporated in Clause 6.3</p> <p>(1) The objectives of this clause are:</p> <p>(a) to ensure that development on land in an urban release area occurs in a logical and cost effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land, and</p> <p>(b) to ensure urban development protects and enhances the natural environment including waterways, riparian land, groundwater dependent ecosystems and groundwater</p> <p>(2) The development control plan must provide for all of the following: (c) an overall landscape strategy for the preparation of a Vegetation Management Plan for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations and detailed landscaping vegetation requirements for both the public and private domain,</p>	<p>As this is one of the DP&I's 'settled model local provision', it is unlikely that they would consider making the requested change. It should be noted that riparian corridors have been verified and zoned E2 in the URAs identified in the draft LEP in the Nowra Bomaderry area.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>7.8 Flood Planning Land</p>	<p>As this is one of the DP&I's 'settled</p>

Submission Issue	Comment & Recommendation
<p>The following amendments are suggested to be incorporated in Clause 7.8(3)(d):</p> <p>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development will not: (d) significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or effect the restoration and establishment of riparian vegetation, or a reduction in the stability of river the banks of waterways or watercourses; or,</p> <p>Groundwater The former DWE and Office of Water previously recommended the LEP include separate groundwater provisions to protect groundwater in the LGA and repeats this advice.</p>	<p>model local provisions', it is unlikely that they would consider making the requested change.</p> <p>As noted above, Council has been unable to access accurate data relating to ground water. Should this data be forthcoming from State Government in the future, Council can consider including it in the draft SLEP via a future amendment.</p> <p><u>Recommendation</u> Receive for information.</p>

Options 13.10

Option 1

Support the recommendations outlined in Table 13.10 and amend draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 13.10 for information.

Recommendation 13.10

- a) **Receive the NSW Department of Primary Industries - Office of Water's submission comments for information, and**
- b) **Insert sub clause (ja) land identified as riparian land in paragraphs (a) or (b) of clause 7.5 (5) at the end of Clause 3.3 to exclude exempt and complying development on riparian land.**

Issue 13.11: NSW Land and Housing Corporation

The comments from the NSW Land and Housing Corporation submission are outlined below.

Table 13.11 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
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Submission Issue	Comment & Recommendation
<p>Housing provides housing to low income households unable to obtain affordable and appropriate housing in the private sector.</p> <p>LAHC has significant assets within Shoalhaven LGA, including around 1,634 social housing dwellings which represent around 3.1% of all housing in Shoalhaven.</p> <p>As demand for social housing substantially exceeds supply, it is important that this asset base be utilised as efficiently and effectively as possible. In this regards, redevelopment of LAHC's ageing and inefficient stock enables appropriate provision of disability access, low maintenance building finishes and private open space which are required by public housing residents but often cannot be provided cost effectively with old cottages on large lots.</p> <p>LAHC supports the proposed increased densities particularly in Nowra CBD, Bomaderry and Ulladulla Town Centres where there are a number of LAHC sites that will benefit from the proposed planning controls. Further, the proposed increased height limit to 11m (3 storeys) for the majority of the LGA will also provide the LAHC with some opportunities to renew its ageing and inefficient stock.</p>	<p>Comments noted.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>LAHC previously requested Council review the zonings and planning controls proposed in the draft LEP for some LAHC sites where development potential was identified. 44 Birriley Street is still considered suitable for increased density as it is a large site located adjacent to R1 General Residential and within 800m to Bomaderry shops and railway station. Council is requested to rezone this site to R1 General Residential zone to provide LAHC with an opportunity to consolidate it with 19-23 Brinawarr Street which LAHC also owns.</p> <p>Further analysis indicates that 47-49 Birriley Street, Bomaderry is also proposed to be zoned R2 Low Density Residential even though it is well located and has redevelopment potential, it is considered that the R1 General Residential zone for these sites would also provide the LAHC with potential opportunities for renewal.</p> <p>It is also noted that the transition from R1 General Residential to R2 Low Density Residential is located through property boundaries in this location, along</p>	<p>The requested changes are inconsistent with the Nowra Bomaderry Structure Plan which is being implemented through the draft LEP. It is not appropriate to make the requested changes at this time. It is suggested that Council encourage NSW Land and Housing to initiate discussions in regards to a potential planning proposal to consider the zoning of their landholdings in a consistent manner and to enable the community to be consulted.</p> <p><u>Recommendation</u> Receive for information and encourage NSW Land and Housing to initiate discussions in regards to a potential planning proposal to consider</p>

Submission Issue	Comment & Recommendation
<p>Birriley Street between Binnawarr and Numrock Streets. LAHC considers that realigning the zoning boundary to the western side of 44 and 49 Birriley Street (towards Numrock St) will provide a congruent zoning transition and opportunities to consolidate lots for future redevelopment.</p> <p>Council is requested to consider reviewing the proposed controls for both East Nowra and Bomaderry Estates and amend the sites currently zoned R2 Low Density Residential to R1 General Residential to facilitate the renewal of these sites by permitting a variety of residential land uses and flexible planning controls.</p>	<p>the zoning of their landholdings in a consistent manner and to enable the community to be consulted.</p>
<p>LAHC owns a high concentration of stock within East Nowra and Bomaderry. To facilitate renewal opportunities for these sites it is important to ensure that the zonings and planning controls are sufficient to enable realignment and redevelopment of ageing and inappropriate stock and, where appropriate, introduce greater tenure mix.</p> <p>It is also noted that as part of the Draft Nowra CBD Urban Design Master Plan, LAHC supported Council's recommendation for East Nowra Estate to be rezoned to medium density residential in order to facilitate renewal and possible de-concentration.</p>	<p>Comments noted.</p> <p><u>Recommendation</u> Receive for information.</p>

Options 13.11

Option 1

Support the recommendations outlined in Table 13.9 and amend draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 13.11 for information.

Recommendation 13.11

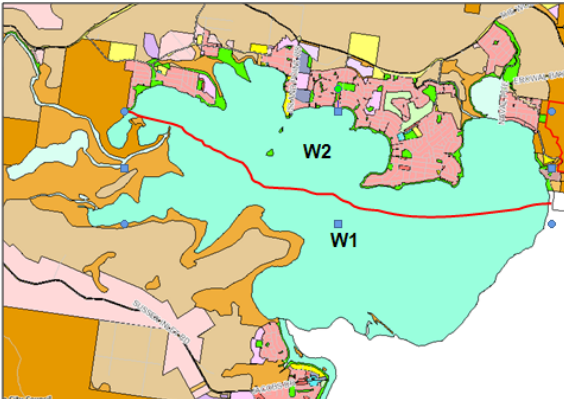
- a) Receive the NSW Land and Housing Corporation submission comments for information, and**
- b) Encourage NSW Land and Housing to initiate discussions in regards to a potential planning proposal to consider the zoning of their landholdings in a consistent manner and to enable the community to be consulted.**

Issue 13.12: Remaining Government Agency comments

The remaining State Government agency comments are outlined below.

Table 13.12 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
<p><u>Transgrid</u> No objections or comments in relation to the LEP.</p> <p>Comments from previous submission on initial exhibition appear to have been taken into consideration, no further input required.</p>	<p>Comments noted.</p> <p><u>Recommendation</u> Receive for information.</p>
<p><u>Forestry Corporation NSW - Southern Region</u> Council staff alerted FCNSW that there are likely to be inaccuracies in their mapping of State forest boundaries. FCNSW provided GIS map layers of State forest boundaries for Council to check the Forest Zone mapping. No feedback has been received on the LEP boundaries were checked against the accurate boundary information.</p>	<p>Comment noted. Council staff will check the RU3 data against the data provided and make any necessary adjustments.</p> <p><u>Recommendation</u> Check the mapping of State forest boundaries against the mapping provided by Forestry Corporation NSW, if necessary revise the boundaries of the RU3 zone accordingly and advise FCNSW of the outcome.</p>
<p><u>Sydney Catchment Authority</u> Supports application of the SP2 Infrastructure (Water Supply System) zone for the Tallowa Dam water storage, Tallowa Dam recreation area and operational land, Bendeela pondage, Bendeela recreation area and the Kangaroo pipeline.</p> <p>Recommends Council add a note to the exempt and complying development part of the LEP that refers to the additional exclusions of general and rural housing in unsewered areas of the drinking water catchment under the Exempt and Complying Development Code SEPP.</p>	<p>Support for the SP2 zone is noted.</p> <p>General and rural housing is complying development rather than exempt development. There is no complying development include in <i>Schedule 3 Complying Development</i> in draft LEP 2013 so all complying development in Shoalhaven will be under the SEPP. Therefore a note in the LEP referring to the additional exclusions of general and rural housing in unsewered areas of the drinking water catchment is not necessary.</p> <p><u>Recommendation</u> Receive for information.</p>
<p><u>Department of Defence - External Land Planning</u> Request however, that in clause 7.16 Development within HMAS Albatross</p>	<p>This request is supported and the change should be made.</p> <p><u>Recommendation</u></p>

Submission Issue	Comment & Recommendation
<p>Military Airfield Buffer Area and clause 7.1 7 HMAS Albatross Airspace Operations, that any reference to 'airport' replaced with 'HMAS Albatross Military Airfield'.</p>	<p>Replace any reference to 'airport' in <i>Clause 7.16 Development within HMAS Albatross Military Airfield buffer area</i> and <i>Clause 7.17 HMAS Albatross Airspace Operations</i> with 'HMAS Albatross Military Airfield'.</p>
<p><u>NSW Department of Primary Industries – Huskisson</u> Land Zone map - The issues below (restated from our 2011 submission) have not been acted on and are therefore unresolved.</p> <p>The Department would like to recommend several amendments to the Land Zone map in relation to waterbodies:</p> <ol style="list-style-type: none"> 1. Broughton Creek estuary from the confluence with the Shoalhaven River upstream to Berry should be zoned W2 rather than RU1. The waterway is clearly not suitable for agricultural uses and does not have a history of such use. 2. Crookhaven River and Curleys Bay should be zoned W2 rather than W1 in recognition of the numerous water based recreational uses that occur in the area. 3. St Georges Basin – the waterway adjacent to the northern, developed shoreline area should be zoned W2 (to enable waterway based development to occur) whereas the waterway adjacent to the southern, undeveloped shoreline area should be zoned W1 (to protect its natural values). 	<ol style="list-style-type: none"> 1. The W2 Recreational Waterways zone extends a short distance from the Shoalhaven River to the Bolong Road bridge across Broughton Creek. Generally, the W zonings have not been utilised on estuaries and this is consistent with the DP&I's advice regarding the use and application of the W zones. 2. Recreational uses may be undertaken in the W1 zone. Consent is not required for recreational use of a waterway. 3. It may be appropriate to change the exhibited W2 zone to apply the W1 Natural Waterways zone to the southern half of St Georges Basin which is less influenced by the urban areas and has a relatively unmodified shoreline. The map below gives an indication of how the split zone may be achieved.  <p>Potential split waterway zoning of St Georges Basin</p> <p><u>Recommendation</u> Change the zone of the southern half of St Georges Basin adjacent to the undeveloped shoreline to W1.</p>

Submission Issue	Comment & Recommendation
<p><u>Rural Fire Service</u></p> <p>1. Schedule 1 Additional permitted uses - Consideration should be given to the provisions of Planning for Bush Fire Protection 2006 (PBP). Where the specific land use "petrol stations" is singled out, it may be pertinent to include a note about additional requirements of other approval bodies.</p> <p>2. Future developments of bush fire prone land will be subject to s79BA of the EP&A Act and s100B of the Rural Fires Act.</p> <p>3. Where "Farm Stay" and "home day care" developments are located on bushfire prone land they are not considered to be exempt and complying development.</p> <p>4. Council should be aware of Amendment II of AS 3959-2009 Construction of buildings on bushfire prone areas. Any future development will need to consider this under the BCA.</p> <p>5. Consideration should be given to ensuring appropriate access, water and utilities to the lots can be achieved. Where an increase in density or special fire protection purpose development could be proposed, roads should provide a satisfactory level of service for evacuation of occupants.</p>	<p>These are detailed comments that relate more to development applications. As such they are noted and LEP changes are not recommended.</p> <p><u>Recommendation</u> Receive for information.</p>
<p><u>NSW Trade and Investment</u></p> <p>NSW Trade and Investment undertook a mineral resource audit and provided Council updated information regarding mineral resources in Shoalhaven as a data package in March 2013. The aim of the audit is to protect resources from restriction of access by inappropriate zoning or development.</p> <p>Notes that under the provisions of the Mining SEPP, underground mining may</p>	<p>Comments noted. As stated in the submissions, where there is an inconsistency with a SEPP, the SEPP prevails. Should 'extractive industries' or 'open cut mining' be proposed in a IN1 or IN2 zone, the SEPP will enable the development.</p> <p><u>Recommendation</u> Receive for information.</p>

Submission Issue	Comment & Recommendation
<p>be undertaken with consent on any land. Open cut mining, petroleum production and extractive industry may be undertaken with consent on land subject to pre-existing leases, or where agriculture or industry may be carried out.</p> <p>Notes that Shoalhaven contains important sources of construction materials as well as a range of historic mineral occurrences throughout the LGA.</p> <p>Notes a number of quarries are operating throughout the LGA.</p> <p>Notes that the north eastern part of the LGA is partially covered by a petroleum exploration licence and parts of the western LGA are subject to petroleum special prospecting application.</p> <p>Notes that RU1 and RU2 zones allow for current and future primary industry opportunities, including mining and extracting industries. However an inconsistency exists between the LEP and SEPP where zones IN1 and IN2 specifically prohibit extractive industries and open cut mining.</p> <p>Concerned that land covering Nowra Quarry has been partially zoned IN2 which prohibits extractive industries. In this regard, extractive industries are permissible as the SEPP prevails.</p> <p>Questions the E3 and particularly the SP2 zone that partially covers Flat Rock Quarry. Although the E3 permits extensive agriculture, and therefore extractive industries by virtue of the SEPP, the SP2 zone prohibits any development that is not road or a related development.</p> <p>Notes that a number of different land use zones are located within the transition areas of operating quarries where the potential exists for land use conflict. The use of transition areas is encouraged.</p>	

Submission Issue	Comment & Recommendation
<p data-bbox="220 309 823 416">NSW Department of Primary Industries – <u>South East Region</u> Schedule 2 Exempt Development</p> <p data-bbox="220 454 823 819">In relation to Schedule 2 - the exempt development shows dairying can be undertaken on both RU1 and RU2 land without consent if it is not in a sensitive land, water or biodiversity area or not on Acid Sulphate Soils (ASS). However, these limitations would apply to virtually all dairy farms. Any change or upgrade would require a DA which brings into question the purpose of the exemption.</p>	<p data-bbox="845 309 1418 745">The intention of this clause is that exempt development for dairying can be carried out without consent on a farm except for those areas which are environmentally sensitive. Should a dairy farm contain some areas that are environmentally sensitive, they will be excluded and require consent to be granted but the areas of the farm outside of the environmentally sensitive area will be able to rely on the exemption.</p> <p data-bbox="845 784 1418 851"><u>Recommendation</u> Receive for information.</p>

Options 13.12

Option 1

Support the relevant recommendations outlined in Table 13.11 and amend draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 13.11 for information.

Recommendation 13.12

- a) **Generally receive the remaining State government agency comments for information;**
- b) **Check the mapping of State forest boundaries against the mapping provided by Forestry Corporation NSW, if necessary revise the boundaries of the RU3 zone accordingly and advise FCNSW of the outcome;**
- c) **Replace any reference to 'airport' in Clause 7.16 Development within HMAS Albatross Military Airfield buffer area and Clause 7.17 HMAS Albatross Airspace Operations with 'HMAS Albatross Military Airfield'; and**
- d) **Change the zone of the southern half of St Georges Basin adjacent to the undeveloped shoreline from W2 to W1.**

Issue 13.13: Remaining internal Council comments

The remaining internal Council comments are below.

Table 13.13 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
<p>The Natural Resources and Floodplain Unit advised that in recent months a number of Flood Studies and Floodplain Risk Management Studies and Plans have been adopted.</p> <p>This means that in some areas now have new flood maps or updated flood maps which have not been included in the currently exhibited draft 2013 SLEP.</p> <p>It is therefore requested that the maps from the following studies/plans be included in the Flood Planning Area map overlay as part of the finalised 2013 SLEP.</p> <p>Broughton Creek Floodplain Risk Management Study and Plan (2012)</p> <p>St Georges Basin Floodplain Risk Management Study and Plan – Climate Change Assessment (2013)</p> <p>Lake Conjola Floodplain Risk Management Study and Plan (2013)</p> <p>Burrill Lake Floodplain Risk Management Study and Plan (2013)</p> <p>Maps that need to be included in the Other map overlay include:</p> <p>Bomaderry Creek Flood Study (2010)</p>	<p>The request is supported, as the Flood Planning Area map overlays will continue to be updated through time to contain the most current flood related data. The Floodplain Risk Management Studies and Plans have been through a detailed process including community consultation.</p> <p>Option 1 Receive the submission regarding the Flood Planning Area map overlay for information.</p> <p>Option 2 Amend the Flood Planning Area map overlay in draft SLEP 2013 to include the data from the adopted Broughton Creek Floodplain Risk Management Study and Plan, St Georges Basin Floodplain Risk Management Study and Plan – Climate Change Assessment (2013), Lake Conjola Floodplain Risk Management Study and Plan (2013), Burrill Lake Floodplain Risk Management Study and Plan (2013), and Bomaderry Creek Flood Study (2010).</p> <p>Option 3 Council not support the request at this stage, and consider the inclusion of the Broughton Creek Floodplain Risk Management Study and Plan, St Georges Basin Floodplain Risk Management Study and Plan – Climate Change Assessment (2013), Lake Conjola Floodplain Risk Management Study and Plan (2013), Burrill Lake Floodplain Risk Management Study and Plan (2013), and Bomaderry Creek Flood Study (2010) to the Flood Planning Area map overlay as a future amendment to the LEP.</p> <p><u>Recommendation</u> Amend the draft LEP 2013 Flood Planning Area map overlay to include the data from the recently adopted Broughton Creek Floodplain Risk Management Study and</p>

	Plan, St Georges Basin Floodplain Risk Management Study and Plan – Climate Change Assessment (2013), Lake Conjola Floodplain Risk Management Study and Plan (2013), Burrill Lake Floodplain Risk Management Study and Plan (2013), and Bomaderry Creek Flood Study (2010).
City Services and Operations Group requests that cemeteries be changed from an SP1 zone to an SP2 zone. Otherwise it is likely that any future expansions, including one planned for Worrigea Lawn Cemetery, may get caught up by the Native Vegetation Act.	This change is supported. <u>Recommendation</u> Change the zone of all cemeteries in Shoalhaven from SP1 to SP2.
City Services and Operations Group requests a change in the SP2 label of Lot 1 DP 587404 The Wool Road, Sanctuary Point from 'Sewage Treatment Plant' to 'Waste Facility' as it was acquired for the purpose of a waste facility, has been used for that purpose in the past and is intended to be used for that purpose again in the future.	This change is supported. <u>Recommendation</u> Change in the SP2 label of Lot 1 DP 587404 The Wool Road, Sanctuary Point from 'Sewage Treatment Plant' to 'Waste Facility'
City Services and Operations Group requests a change of zone for Lot 239 DP 751255 (Por 239) Budgong Road, Kangaroo Valley from E2 Environmental Conservation to RU1 Primary Production. The lot is the former Kangaroo Valley Works Depot and has been used since the closure of the depot as a stockpile site of waste to be reused or transferred to a licensed waste facility. Wish to continue this use and formalise the use through a DA. However, 'resource recovery facilities' are not permitted in the E2 zone, nor is it a prescribed zone under the SEPP Infrastructure. There is no biodiversity conservation value on the land.	Part of this site is heavily vegetated. However, given the previous and ongoing use and the proposed use of the site, the change to RU1 consistent with adjoining land is supported. However, the vegetated areas should be included on the NRS – Biodiversity Map. <u>Recommendation</u> a) Change the zone of Lot 239 DP 751255 (Por 239) Budgong Road, Kangaroo Valley from E2 to RU1; and b) Identify the vegetated areas of Lot 239 DP 751255 (Por 239) Budgong Road, Kangaroo Valley on the NRS – Biodiversity Map.

Options 13.13

Option 1

Support the recommendations outlined in Table 13.12 and amend draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 13.12 for information.

Recommendation 13.13

- a) ***Amend the draft LEP 2013 Flood Planning Area map overlay to include the data from the recently adopted Broughton Creek Floodplain Risk Management Study and Plan, St Georges Basin Floodplain Risk Management Study and Plan – Climate Change Assessment (2013), Lake Conjola Floodplain Risk Management Study and Plan (2013), Burrill Lake Floodplain Risk Management Study and Plan (2013), and Bomaderry Creek Flood Study (2010);***
- b) ***Change the zone of all cemeteries in Shoalhaven from SP1 to SP2;***
- c) ***Change the SP2 label of Lot 1 DP 587404 The Wool Road, Sanctuary Point from 'Sewage Treatment Plant' to 'Waste Facility'; and***
- d) ***Change the zone of Lot 239 DP 751255 (Por 239) Budgong Road, Kangaroo Valley from E2 to RU1; and***
- e) ***Identify the vegetated areas of Lot 239 DP 751255 (Por 239) Budgong Road, Kangaroo Valley on the NRS – Biodiversity Map.***

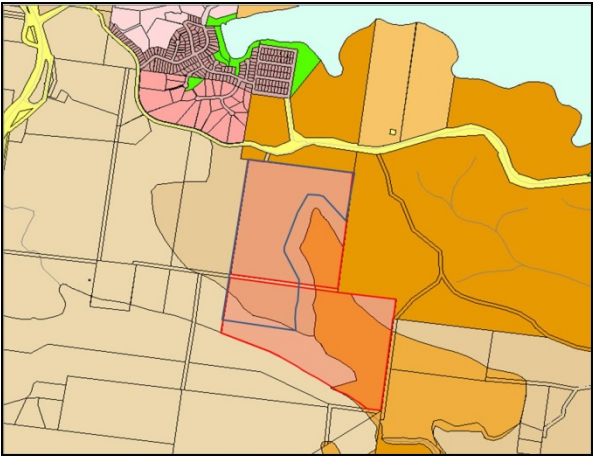
Issue 13.14: Staff identified issues/anomalies

The table below outlines the issues and anomalies that have been identified by planning staff and that need to be resolved in the finalisation of the plan.

Table 13.14 - Summary of Issues and Recommendation

Issue	Recommendation
Need to include a clause to deal with residue rural or similar land resulting from the subdivision of the URAs under the draft LEP. A number of the lots that form the new urban release areas (URA) are proposed to have a split zoning of rural and residential and subdivision will require the creation of lots smaller than the minimum lot size specified for rural land (this has been raised as a specific issue at Mundamia URA). Discussions have been held with DP&I who has advised that other councils have had this issue and have included an additional clause in Part 6 to cover the situation.	Request that the DP&I include an additional clause in Part 6 to deal with residue land resulting from the subdivision of the URAs under the draft LEP.

Issue	Recommendation
<p>Council has been advised that the identification on the NRS – Biodiversity Map does not exclude these areas from the Exempt and Complying Codes SEPP. It is necessary to identify verified EECs on the NRS - Biodiversity Map and refer to this mapping in Clause 3.3 to make sure these areas are excluded from the operation of the SEPP.</p>	<p>Identify verified EECs on the NRS - Biodiversity Map and include a reference to this mapping in Clause 3.3(2) to exclude these areas from exempt and complying development.</p>
<p>Clause 7.22 was included in the draft LEP to carry over the remaining ‘fair trading’ provision from SLEP 1985 that applied to Lot 33 DP 794398 & Lot 9 DP 250361. An application has been lodged under SLEP 1985 for the subdivision (SF10313). Therefore, Clause 7.22 can be removed.</p>	<p>Remove <i>Clause 7.22 Subdivision of land - Garrads Lane, Milton and The Heights, Narrawallee</i> as a future amendment to the LEP once the application has been lodged under LEP 1985 for the subdivision permitted under this clause has been determined.</p>
<p>The following two amendments to LEP 1985 are not reflected in the draft LEP and now need to be included:</p> <ul style="list-style-type: none"> • Amendment No. 241 - Woollamia Farmlets Rural Residential Lots. • Amendment No. 242 - Badgee Lagoon, Sussex Inlet. 	<p>Include the following recent amendments to LEP 1985 into draft LEP 2013:</p> <ul style="list-style-type: none"> • Amendment No. 241 - Woollamia Farmlets Rural Residential Lots. • Amendment No. 242 - Badgee Lagoon, Sussex Inlet.
<p>Due to the recent consolidation of Lot 2 DP 554307 (UTE 38318) & Lot 8 DP 1940 (UTE 29169) the heritage item on these blocks is now on Lot 1 DP 1182204 (UTE 117224), 170 Moss Vale Road, Kangaroo Valley (Victorian Weatherboard Shop and Residence).</p>	<p>Amend the property description for 170 Moss Vale Road, Kangaroo Valley (Item I232) in Schedule 5 Environmental Heritage to reference Lot 1 DP 1182204.</p>
<p>The Standard Technical Requirements for LEP Maps were changed in November 2012. As a result, changes need to be made to the draft LEP maps to be consistent with these standards. These changes do not alter the substantial content of the maps, rather the cartography.</p>	<p>Amend the draft LEP 2013 Maps to be consistent with the Standard Technical Requirements for LEP Maps.</p>
<p>Some references in the Dictionary need updating from LEP 2009 to LEP 2013.</p>	<p>Change all references to "LEP 2009" to "LEP 2013" in the draft LEP 2013 Dictionary.</p>

Issue	Recommendation
<p>Lot 24 DP 1173629 Jamieson Road, North Nowra has been dedicated to Council as public reserve. The zone of this parcel needs to be changed from R1 to RE1 to reflect this.</p>	<p>Change the zone of Lot 24 DP 1173629 Jamieson Road, North Nowra to RE1.</p>
<p>Lot 20 DP 1173031 & Lot 2 DP 116469, Moss Vale Road, Kangaroo Valley (STP site) The zone was changed to SP2 after the initial exhibition but Lot Size Map was not changed to reflect this.</p>	<p>Amend the Lot Size Map to remove the 40ha minimum lot size for Lot 20 DP 1173031 & Lot 2 DP 116469, Moss Vale Road, Kangaroo Valley (STP site).</p>
<p>DP&I amended Clause 4.2B to add the definition for 'prime crop and pasture land' but did not remove the reference to the mapping of 'prime crop and pasture land'.</p> <p>Amend the Lot Size Map to add labels for each area and amend area to which Area 7 applies as outlined in blue on the map below. The previously mapped area was incorrect.</p>  <p>Add RU1 & RU2 to the heading and zones to which the clause applies as Area 7 at Conjola Park is zoned RU2.</p>	<p>a) Amend Clause 4.2B to remove the reference to mapping of 'prime crop and pasture land'; b) Amend Lot Size Map to add labels for each area to which Clause 4.2B applies and amend area to which Area 7 applies to the area shown on the map in Table 13.14 of this report; and c) Add RU1 & RU2 to the heading and zones to which Clause 4.2B applies.</p>
<p>Schedule 10 of SLEP 1985 restricts buildings in Special Rural Lifestyle Area (SLRA) No.12 at West Burrill Lake to a single storey. This has not been reflected in draft LEP 2013. The Height of Building Map needs to show this height limit.</p>	<p>Amend the Height of Building Map to include a 5m maximum height of buildings for the area identified as SLRA 12 Tallow Wood Road, West Burrill Lake under SLEP 1985.</p>

Issue	Recommendation
<p>Lots 1 & 2 DP 12958 Sec E, 2-4 Caulfield Parade, Old Erowal Bay form a Council public reserve that is classified as 'community' land, but were exhibited with a R2 zone. The zoning should be amended to reflect the status of the land.</p>	<p>Change the zone of Lots 1 & 2 DP 12958 Sec E, 2-4 Caulfield Parade, Old Erowal Bay from R2 to RE1.</p>
<p>There is an isolated area zoned B3 Commercial Core on the corner of Kinghorne & Douglas Streets, Nowra which was missed when redefining the boundaries of the B3 zone for the Nowra CBD after the initial exhibition.</p>	<p>Change the zone of Lot 31 DP 1177065, Lots 1 & 2 DP 217603 and Lot 1 DP 700490, 91-103 Kinghorne Street, Nowra from B3 to B4.</p>
<p>It has been noted that there are some anomalies in the mapping of the RU1 boundaries in relation to 'prime crop and pasture land'. This needs to be reviewed but may be best undertaken as an amendment following finalization of the LEP to ensure that affected landowners are notified and have the ability to comment if needed.</p>	<p>Consider an amendment following the finalization of the draft LEP to review the boundaries of RU1 based on 'prime crop and pasture land'.</p>
<p>The proposed Nowra Bomaderry Western Bypass route was exhibited with an SP2 zone. The DP&I has raised concern with this zoning as it requires an 'acquisition authority' to be identified in Clause 5.1 Relevant acquisition authority. There is currently no 'acquisition authority' listed in Clause 5.1 as the RMS has not given formal agreement to the proposed route or to being the acquisition authority. If no 'acquisition authority' is listed it makes the Minister for Planning and Infrastructure the acquisition authority by default. The Minister is unlikely to sign off on the draft LEP if this is the case.</p> <p>It is understood that RMS are reluctant to agree to the zone and the acquisition obligation at least in the short-medium term given the longer term nature of any bypass.</p> <p>Removal of the bypass route from the</p>	<p>Remove the SP2 zoning over the proposed Nowra Bomaderry Western Bypass corridor and include a clause (and associated mapping) in the draft LEP similar to Clause 7.5 in the Queanbeyan LEP (South Tralee) 2012 to identify and protect the corridor.</p>

Issue	Recommendation
<p>zoning map without any other means of identifying and protecting or recognising the route in the draft LEP creates the risk that development could encroach into the proposed corridor and potentially jeopardize the possibility of a future bypass to the west of the Nowra Bomaderry urban area..</p> <p>The Queanbeyan LEP (South Tralee) 2012 identifies a 'proposed road' on the Local Clauses Map and has an associated clause to ensure development does not compromise the future use of the land for the proposed road. The DP&I have suggested that they would not be adverse to a similar clause being applied to the bypass corridor to recognize it in the short to medium term.</p>	
<p>A number of small edits/corrections are required that do not alter the substantive LEP provisions or outcomes.</p>	<p>Make the following minor edits/corrections to the draft LEP:</p> <ul style="list-style-type: none"> a) Remove the term 'restriction facilities' from the LUTs as this term is no longer in the Dictionary. b) Remove 'intensive livestock agriculture' and 'intensive plant agriculture' from the RU1 LUT as these uses are covered the 'agriculture' group term which is also listed. c) Remove 'emergency services facilities' from the RU4 LUT as this use is permitted under SEPP Infrastructure. d) Remove 'residential care facilities' from the R1 LUT as it is covered by the 'seniors living' group term which is also listed. e) Change 'entertainment centres' in the B1 LUT to 'entertainment facilities' and include 'kiosks', 'markets' and 'roadside stalls' as permitted with consent as these were previously permitted as individual uses but inadvertently were exhibited as prohibited by the introduction of the 'retail premises' group term. f) Amend the B4 Mixed LUT to add 'warehouse and distribution centres' to prohibited. g) IN2 Light Industry land use table - Remove 'community facilities' from

Issue	Recommendation
	<p>prohibited.</p> <p>h) Change 'Sewage treatment plan' to 'Sewage treatment plant' at Clause 7.12(2)</p> <p>i) Add Pt Por 34 DP755971 to Heritage Item I186.</p> <p>j) Re-insert the following heritage items which were accidentally removed from Schedule 5 Environmental Heritage but are shown on the map:</p> <p>Yatte Yattah - Roman Catholic Church and Cemetery Site - Princes Highway - Lot 138 DP 755923.</p> <p>Yatte Yattah - Yatte Yattah Nature Reserve and Waterfalls (2) - Princes Highway - Lot 15A DP 755923 & Part Lot 44 DP 806933.</p> <p>Yatte Yattah - Former Yatte Yattah Public School and Schoolmaster's Residence - 8A Tierney Road - Lot 453 DP 755923.</p> <p>Yatte Yattah - "Hillview" Private Cemetery - 8B Tierney Road - Lot 6 DP 32380.</p> <p>k) Amend an incorrect property description for the Heritage Item I219 – Colonial Road – Remnants (former Wool Road) to read:</p> <p>Lot 100 DP 787610 Lot 33 DP 6551186 Lot 1 DP 100976 Lot 1 DP 745965 Lot 1 DP 197079 Road Reserve</p>

Options 13.14

Option 1

Support the recommendations outlined in Table 13.13 and amend draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 13.13 for information.

Recommendation 13.14

- a) ***Request that the DP&I include an additional clause in Part 6 to deal with residue land resulting from the subdivision of the URAs under the draft LEP.***

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- b) **Identify verified EECs on the NRS - Biodiversity Map and include a reference to this mapping in Clause 3.3(2) to exclude these areas from exempt and complying development; and**
 - c) **Remove Clause 7.22 Subdivision of land - Garrads Lane, Milton and The Heights, Narrawallee as a future amendment to the LEP once the application has been lodged under LEP 1985 for the subdivision permitted under this clause has been determined;**
 - d) **Amend the draft LEP to include recent Amendments No. 241 & No. 242 to SLEP 1985;**
 - e) **Amend the draft LEP 2013 Maps to be consistent with the Standard Technical Requirements for LEP Maps;**
 - f) **Amend the property description for 170 Moss Vale Road, Kangaroo Valley (Item I232) in Schedule 5 Environmental Heritage to Lot 1 DP 1182204;**
 - g) **Change all references to "LEP 2009" to "LEP 2013" in the draft LEP 2013 Dictionary;**
 - h) **Change the zone of Lot 24 DP 1173629 Jamieson Road, North Nowra to RE1;**
 - i) **Amend the Lot Size Map to remove the 40ha minimum lot size for Lot 20 DP 1173031 & Lot 2 DP 116469, Moss Vale Road, Kangaroo Valley (STP site);**
 - j) **a) Amend Clause 4.2B to remove reference to mapping of 'prime crop and pasture land';**
b) Amend Lot Size Map to add labels for each area to which Clause 4.2B applies and amend area to which Area 7 Conjola Park applies to the area shown on the map in Table 13.14 of this report; and
c) Add RU1 & RU2 to the heading and zones to which Clause 4.2B applies.
 - k) **Amend the Height of Building Map to include a 5m maximum height of buildings for the area identified as SLRA 12 West Burrill Lake under SLEP 1985.**
 - l) **Change the zone of Lots 1 & 2 DP 12958 Sec E, 2-4 Caulfield Parade, Old Erowal Bay from R2 to RE1.**
 - m) **Change the zone of Lot 31 DP 1177065, Lots 1 & 2 DP 217603 and Lot 1 DP 700490, 91-103 Kinghorne Street, Nowra from B3 to B4.**
 - n) **Consider an amendment to review the boundaries of RU1 based on 'prime crop and pasture land' following the finalisation of the LEP.**
 - o) **Remove the SP2 zoning over the proposed Nowra Bomaderry Western Bypass corridor and include a clause (and associated mapping) in the draft LEP similar to Clause 7.5 in the Queanbeyan LEP (South Tralee) 2012 to identify and protect the corridor.**
 - p) **Make the following edits/corrections to the draft LEP:**
 - i) **Remove the term 'restriction facilities' from the LUTs as this term is no longer in the Dictionary.**
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- ii) **Remove 'intensive livestock agriculture' and 'intensive plant agriculture' from the RU1 LUT as these uses are covered the 'agriculture' group term which is already listed.**
- iii) **Remove 'emergency services facilities' from the RU4 LUT as this use is permitted under SEPP Infrastructure.**
- iv) **Remove 'residential care facilities' from the R1 LUT as it is covered by the 'seniors living' group term which is already listed.**
- v) **Change 'entertainment centres' in the B1 LUT to 'entertainment facilities' and include 'kiosks', 'markets' and 'roadside stalls' in permitted with consent as these were previously permitted as individual uses but have inadvertently become prohibited by the introduction of the 'retail premises' group term.**
- vi) **Amend the B4 Mixed LUT to add 'warehouse and distribution centres' to prohibited.**
- vii) **IN2 Light Industry land use table - Remove 'community facilities' from prohibited.**
- viii) **In Clause 7.12 Development in the vicinity of extractive industries and sewerage treatment plants - Change 'Sewage treatment plan' to 'Sewage treatment plant' at 7.12(2)**
- q) **Add Pt Por 34 DP755971 to Heritage Item I186.**
- r) **Schedule 5 Environmental Heritage - re-insert the following heritage items which were accidentally removed from the Schedule but are shown on the map:**
- s) **Yatte Yattah - Roman Catholic Church and Cemetery Site - Princes Highway - Lot 138 DP 755923.**
- i) **Yatte Yattah - Yatte Yattah Nature Reserve and Waterfalls (2) - Princes Highway - Lot 15A DP 755923 & Part Lot 44 DP 806933.**
- ii) **Yatte Yattah - Former Yatte Yattah Public School and Schoolmaster's Residence - 8A Tierney Road - Lot 453 DP 755923.**
- iii) **Yatte Yattah - "Hillview" Private Cemetery - 8B Tierney Road - Lot 6 DP 32380.**
- t) **Amend an incorrect property description for the Heritage Item I219 – Colonial Road – Remnants (former Wool Road) to read:**
- **Lot 100 DP 787610**
 - **Lot 33 DP 6551186**
 - **Lot 1 DP 100976**
 - **Lot 1 DP 745965**
 - **Lot 1 DP 197079**
 - **Road Reserve**

SECTION 14 - REMAINING GENERAL SUBMISSION COMMENTS & CONCLUSION

Issue 14.1: Remaining general submission comments

The remaining submission comments are outlined in the table below.

Table 14.1- Summary of Submissions Issues, Comments and Recommendations

Issue	Comment & Recommendation
<p>One (1) submission supports the continuation of the walkway along Orion Beach.</p> <p>Would like to see more public seating with ocean views; and is concerned about the condition of Holden Street boat ramp, and the delays in rebuilding Murray Beach wharf.</p>	<p>Comment is not relevant to the draft LEP.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Jerrinja Local Aboriginal Land Council (JLALC) requests that land adjoining Hyams Beach village owned by JLALC should be zoned either E2, E3 or E4, not E1.</p> <p>Requests that the zones of all Jerrinja-owned land be reviewed.</p>	<p>It is unclear to which land this is referring as no Lot & DP has been provided, and Council has no record of any land owned by JLALC in this area. There are however some unresolved land claims in this area.</p> <p>Council is happy to continue to work with JLALC to ensure appropriate zoning of their landholdings and appropriate adjustments can be made as claims are resolved.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One (1) submission expressed concern about the change in zonings and allowable developments in the area that they live. The changes in the draft LEP may lead to a change in the character in the area from rural residential living to become a tourist facility and/or an intensive industrial hub.</p> <p>Allowing more industry development in productive farmland would not only alter the character and amenity of the area, but could lead to the destruction of valuable farmland and pollution of the river, that has happen recently in the area (Nowra area).</p>	<p>Given that the draft LEP is based on a 'best fit' transfer, it is unlikely that there will be a dramatic change to the character of the area. The appropriateness of permissible developments will continue to be considered via the development application process.</p> <p><u>Recommendation</u> Receive for information.</p>

Issue	Comment & Recommendation
<p>One (1) submission notes that staff are the most qualified to make planning decisions and therefore recommends councillors do not vote against staff recommendations.</p> <p>The LEP has not considered predicted changes in sea level, temperatures, areas that are likely to be severely impacted by severe weather events as well as the changes in rainfall patterns.</p> <p>The LEP should consider the impacts of climate change and not allow for all trees to be removed in new subdivisions.</p> <p>RU1, RU2 and RU3 should have clauses to allow with provisions, for rural holiday cabins and farm stay accommodation as per the Farm and Nature Tourism project. (Byron Bay LEP)</p> <p>The SLEP as presented does not meet the requirements of the South Coast Regional Strategy for protection in the LEP of the character of coastal and other villages.</p>	<p>Climate change is addressed in several ways in the draft Shoalhaven LEP 2013. For example, <i>Compulsory Clause 5.5 Development in the coastal zone</i> lists as an objective 'recognise and accommodate coastal process and climate change' and requires the consent authority to consider when assessing a development application:</p> <p><i>The effect of coastal processes and coastal hazards and potential impacts, including sea level rise:</i></p> <p><i>(i) on the proposed development; and</i> <i>(ii) arising from the proposed development</i></p> <p>Council has also included local clauses and associated map overlays relating to Coastal Risk Planning (Clause 7.11) and Flood Planning Land (Clause 7.8). The map overlays include climate change and sea level rise as components of risk associated with beach erosion, cliff recession and flooding i.e. a figure for sea level rise has been factored into and included in the mapped risk areas.</p> <p>The RU1 and RU2 zones both permit various types of tourist accommodation. RU3 is applied only to forestry land and as such, does not permit tourist accommodation. DCP No. 63 provides addition detail for tourist accommodation in rural zones.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One (1) submission expressed concern that the significance of the Shoalhaven environment is not fully appreciated and its importance for the social and economic well-being of the Shoalhaven community not recognized in SLEP 2013.</p>	<p>Comment noted. There are several clauses in the Part 7 of the LEP which are intended to ensure the protection of the environment in Shoalhaven by appropriate consideration through the development application process.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One (1) submission expressed concern about future development in Jervis Bay,</p>	<p>Comment noted.</p>

Issue	Comment & Recommendation
<p>particularly Hyams Beach, Huskisson and Vincentia. Believes consideration should always be given to preserving the uniqueness of the area for future generations, rather than for short-term economic benefit.</p>	<p><u>Recommendation</u> Receive for information.</p>
<p>Concerned about approved private parking on one of Huskisson's busiest and most crowded public roads (DA11/2468).</p>	<p>Comment is not specifically relevant to the draft LEP.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One (1) submission expressed the following concerns:</p> <p>Needed to harness the enthusiasm of the community in a co-operative process that was not captured by the Department, the Council and its officers. That was the only hope we had to make a plan that aimed to see built form outcomes which strengthened the economic vitality of our City.</p> <p>The government has now put on public exhibition its radical plan to reshape Planning in NSW. In the White Paper (WP), the Government has made it clear that the development of the Local Plan will be driven by a community engagement process.</p> <p>This is not a criticism of the enormous effort put in by Council officers towards the preparation of the Draft. They have been forced into this straight jacket by the former State Government which required the Council to adhere to the strictures of the standard template LEP.</p> <p>Concerned that the award-winning CBD Master Plan is not part of the draft LEP. If the zoning of the city works against the concepts of the Master Plan then the vision of the Master Plan will not be delivered.</p> <p>Shoalhaven's settlements exist in a</p>	<p>Comments noted, however, what is being requested is outside the scope of the current LEP process. There is a clear expectation from the State government that this LEP will be completed in the near future. The approach suggested would clearly be at odds with this expectation.</p> <p><u>Recommendation</u> Receive for information.</p>

Issue	Comment & Recommendation
<p>symbiotic relationship with the two commercial cores at Nowra and Ulladulla. Need to protect both elements to ensure the economic viability of the city. Need to design a LEP that encourages not discourages the market to build vibrant urban centres.</p> <p>The draft LEP is unlikely to facilitate built form outcomes as the plan it replaces. The flattening the zones and making similar uses permissible across the city, the market will gravitate to where the land is cheaper sucking opportunities away from the cores.</p> <p>If it is cheaper to build the same type of development outside the recognised cores, then all we will have succeeded in doing is forcing development out of the CBDs.</p> <p>The White Paper puts the focus on the community. It positively encourages the community to express its view in the setting of the strategic direction for the locality and the city.</p> <p>By making this plan now, we are forced to wait until the new processes referenced in the White Paper are inaugurated, probably first in other cities because the Shoalhaven was one of the 'last' to make a template plan.</p> <p>The real challenge is how to engage the community. As the White Paper recognises, this means developing methods of communication that are inclusive, representative and appropriate.</p> <p>The Minister promises us in the White paper 'greater opportunities for the community to participate early in the process.' This does not mean paying lip service to the concept of participation. As a first step we should demand that the Minister reject the draft LEP.</p>	

Issue	Comment & Recommendation
<p>Tinkering around the edges simply will not work.</p> <p>We have an opportunity now that the White Paper is on exhibition to put our hand up to be the first city to experience the planning revolution contemplated by the White Paper. If the State Government is looking for a candidate city to be the Vancouver of Australia then why not put our name forward?</p>	
<p>The SLEP Review Group consider that Master Plans should be developed for each coastal and rural village and town, with a generic framework to ensure that critical factors are taken into account, whilst at the same time providing for the distinctive social, economic and physical environments of each location to be expressed.</p>	<p>This comment is noted. This will be something that Council will need to consider in the context of the State government's White Paper and the emergence of the desire locally for community driven plans.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Two (2) submissions expressed concerns with inappropriate spot rezonings being included in the draft LEP.</p>	<p>Comment noted. Comments on specific spot rezonings have been considered in Section 4 of this report.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One (1) submission expressed thanks to Council and staff for the opportunity to again make my comments in this long drawn out and no doubt exhausting process.</p>	<p>This comment is noted and appreciated.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One (1) submission expressed concern that Council are seeking to rezone a site to allow for a slipway and dry storage site at Frank Lewis Way, Woollamia for yachts although it is identified in the Jervis Bay Regional Environment Plan for inclusion in the Jervis Bay National Park.</p> <p>Also comments on the State Government's White paper and asks if Council prepared to consult with or challenge the State Government regarding any area of concern with the</p>	<p>While this rezoning request was initially supported by Council, it was not supported by State government and was not included in the re-exhibited version of the draft LEP.</p> <p>Council has made a submission on the State government's White Paper. The content of the submission was reported to the Development Committee meeting of 13 June 2013.</p> <p><u>Recommendation</u> Receive for information.</p>

Issue	Comment & Recommendation
White Paper?	
One (1) submission expressed concern that Part 7 (additional local provisions) and Schedule 1 read as attempts to provide for the detail that would more workably be achieved by a range of DCP's.	<p>Part 7 contains the local clauses that, through negotiation with DP&I, have been included as a 'best fit' of existing provisions from LEP 1985. Given the non-statutory nature of DCPs, these are matters best dealt with in the draft LEP. Schedule 1 specifically permits uses on specific sites where the use would otherwise be permitted. This cannot be achieved through a DCP.</p> <p><u>Recommendation</u> Receive for information.</p>
One (1) submission strongly objects to the potential for development to occur in certain environmentally sensitive areas (zoned E2) of Callala Beach and other environmentally sensitive areas of the Shoalhaven.	<p>Comment noted. The ranges of uses permitted in the E2 zone has been considered in Section 3 of this report.</p> <p><u>Recommendation</u> Receive for information.</p>
One submission suggests the rewording of Clause 5.9 (Preservation of trees or vegetation) as it is not easy to understand.	<p>Clause 5.9 forms part of the Standard Instrument and cannot be amended by Council.</p> <p><u>Recommendation</u> Receive for information.</p>
One (1) submission suggests that zoning of Comberton Grange needs to protect the wetlands present. Supports the E2 zoning, however objects to the zoning of RU2 over the bulk of the property as this allows unacceptable permissible activities in this area.	<p>The existing zones in this area have been transferred into the new format. Comberton Grange is the subject of a current Part 3A project. The use of the site as a whole will be determined through that process.</p> <p><u>Recommendation</u> Receive for information.</p>
Two (2) submissions requested that Council donate the strip of land at the rear of Wasshaven Place on Wrights Beach to the Jervis Bay National Park. The land is completely surrounded by National Park and is part of a paper estate.	<p>This request is outside the scope of the draft LEP and would require specific consideration by Council and the agreement of National Parks and Wildlife Services.</p> <p><u>Recommendation</u> Receive for information.</p>
One (1) submission expressed concern with Council's February 2013 decisions	<p>Comment noted. Should Council wish to pursue these rezoning, this will be done</p>

Issue	Comment & Recommendation
<p>to consider future planning proposals or continue discussions with the landowners for 6 of the requested re-zonings, despite direction from the Department of Planning and Infrastructure that these re-zoning requests were not justified, raises doubts about its commitment to evidence-based merit assessment consistent with State independent enquiries, strategic plans and policies such as the South Coast Regional Strategy and the Nowra Bomaderry-Structure Plan.</p>	<p>through the planning proposal process and will involve consultation with the community. Council will need to consider to validity/ justification for any request and determine priorities for its work program after the completion of the LEP process.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One (1)submission expressed support for the amended Shoalhaven LEP 2013 as it will assist Shoalhaven in progressing to a more economically vibrant location that should attract economic growth over time.</p>	<p>Support noted.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>One (1)submission raised concern with the following clauses related to subdivision:</p> <p>Clause 4.1 - minimum lot size of 500m2 for residential zoned areas does not provide sufficient flexibility to achieve development yield targets outlined in various strategic planning instruments. Recommends that the 500m2 minimum be changed to 450m2 to facilitate greater urban densities.</p> <p>Clause 4.1A - Modify the terminology to allow subdivision of dual occupancies where they are less than the minimum lot areas, prior to the work having been carried out. Strongly object to the differentiation from Area 1 (350m2 minimum) to Area 2 (400m2 minimum) as there are no planning grounds that should make a 350m2 dual occupancy in Callala Bay (for example) unsuitable. These policies are overly restrictive; will not permit the dwelling densities to be achieved as outlined in various strategic planning documents. Recommend that</p>	<p>There is no justification at this time for a change to the minimum lot size map for residential lots across the whole City. Zone changes in accordance with the Nowra Bomaderry Structure Plan will ensure that there is adequately zoned land for increased densities close to services in the major centre. A change of this nature could be considered to be significant and would require re-exhibition.</p> <p>Clause 4.1A is a 'best fit' of the current dual occupancy provisions. It is outside of the scope of the draft LEP to review it at this time although there may be merit in this proposal. It is noted that detailed community consultation was carried out as part of the existing provisions that apply in this regard and further consultation would be required to make such a policy change.</p> <p>Clause 4.1C is a 'best fit' of the current provision for multiple occupancy development. There is no justification to extend this clause to additional zones.</p> <p>Clause 4.6 forms part of the Standard</p>

<p>Council allow 350m2 dual occupancy subdivisions in all urban areas.</p> <p>4.1A(3) - Permit the subdivision of dual occupancies developments on flood prone land.</p> <p>Clause 4.1C(4) - Add additional zones to allow subdivision of multiple occupancy development on land zoned RU3-RU5 and E1-E4.</p> <p>Clause 4.6(6) - concerned that the words of this clause prevent a boundary adjustment occurring between two rural lots that may already be below the 40Ha (or 36Ha - 90%) lot size. Possibly this can be done under SEPP (Exempt and Complying). Clarify how this type of application will be dealt with and modify the wording to allow this type of application to be lodged.</p> <p>Clause 7.19(c) - There is a typo in this clause. Change “suppot” to “support”.</p>	<p>Instrument and cannot be amended by Council.</p> <p>Identification of the spelling error in Clause 7.19(c) is appreciated and it will be rectified.</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> 1. Receive the various comments regarding the subdivision clauses for information 2. Amend Clause 7.19(c) to change “suppot” to “support”.
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Option 14.1

Option 1

Support the recommendations outlined in Table 14.1 and amend draft LEP 2013 accordingly.

Option 2

Receive the submission issues outlined in Table 14.1 for information.

Recommendation 14.1:

- a) Receive submission issues outlined in Table 14.1 for information; and***
- b) Amend Clause 7.19(c) to change “suppot” to “support”.***

Refer to the Addendum Report for Issues 14.2 to 14.4

Issue 14.5 Conclusion

The issues raised through the submissions have been addressed where possible and relevant through this report and Council has had the opportunity to consider making any relevant changes to the draft LEP. The final step is to adopt the draft LEP with any changes resolved through consideration of this report.

Once the draft LEP 2013 is adopted, staff will make the final mapping changes and prepare a report in accordance with s68 of the EP&A Act requesting that the Director General of the Department of Planning and Infrastructure makes the plan. The DP&I have indicated that they will make any physical amendments required to the written instrument to assist in expediting the process.

Parliamentary Counsel are also required to review the draft LEP prior to the Director General making the plan. This may result in some changes to the wording and format of some of the clauses and map overlays but should not change the intent of the plan.

Recommendation 14.5:

Adopt draft Shoalhaven LEP 2013 (with any changes made via the individual resolutions in this report) and submit the draft LEP to the Director General of the Department of Planning and Infrastructure under Section 68 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for commencement.

Tim Fletcher
DIRECTOR PLANNING & DEVELOPMENT SERVICES

R.D Pigg
GENERAL MANAGER